



**Date:** July 21, 2015  
**To:** Thomas J. Bonfield, City Manager  
**Through:** W. Bowman Ferguson, Deputy City Manager  
**From:** Jina Propst, Assistant Director, General Services Department  
**Subject:** Proposed Condemnation of Property located at 3810 Page Rd. (parcel ID 158077) for the Southeast Pressure Zone Project

### **Executive Summary**

The City of Durham Water Management Department is slated to begin construction of the Southeast Pressure Zone Project in August, 2015. The Department of Water Management has recognized a need to maintain water pressure and service levels in the southeast area of the city therefore; a new pressure zone will be needed. Additionally, a new pressure zone will allow for development to occur in areas of higher ground elevations. The City has preliminarily identified a 9.5 square mile area, essentially bordered by Miami Blvd., the US 70 corridor and the county line, as an area to be served with the new pressure zone.

Twenty-three property owners are affected by the Southeast Pressure Zone Project. Easement acquisitions have been secured from twenty two property owners. Negotiations with the property owner located at 3810 Page Rd. (Renuka Gudia Gupta) continue but have been unsuccessful and have the potential to delay construction of the project. The Department recommends that City Council authorize the condemnation process for 730 square feet (0.02 acres) of land across a portion of 3810 Page Rd. (parcel ID 158077).

### **Recommendation**

The Department of General Services and the Water Management Department recommend that City Council find that it is necessary, in the public interest, and for the public use and benefit to condemn a water main easement of approximately 730 square feet in the property identified as Durham County PIN number 0758-03-30-3711, also known as parcel ID 158077, as shown on Sheet 10 of 11 of the map entitled "Water Easement Survey for City of Durham" prepared by C.H. Engineering, dated September 5, 2014, and recorded in Durham County Register of Deeds Plat Book 194, Page 6 and to authorize the City Attorney to initiate condemnation proceedings for that purpose, with a deposit into court of \$1,595.00 as the City's estimate of just compensation.

### **Background**

The Southeast Pressure Zone Water Main and Elevated Storage Tank Projects were designed in order to improve water pressure and increase available fire flows in the Southeast area of City. In order to properly circulate water in this area, meet water quality standards, and avoid numerous dead-end lines, several key pipeline segments, along Page Road, Miami Boulevard, and NC 55, are being installed. In March 2012, City Council approved engineering and design specifications of Southeast Pressure Zone Project.

The Real Estate Division has been tasked with securing various property interests from twenty-three property owners. To date, acquisitions have been completed with regard to

twenty-two of those parcels. The acquisition for 3810 Page Rd. (parcel ID 158077) owned by Renuka Gudia Gupta remains unsecured. Real Estate Division staff initially contacted the property owner by certified mail in September, 2014. Subsequent conversations with the owner in person and by telephone were unsuccessful in that the property owner indicated they were not interested in discussing conveyance of the required easement to the City. Real Estate Division staff estimated the value of the required easement at \$1,595.00, based on a per square foot rate of 50% of the property's tax value. The subject property owner, as well as all other property owners affected by this project, was offered 50% of land tax value as a basis for just compensation along with additional compensation for loss of existing landscape, if any.

### **Issues/Analysis**

The Real Estate Division, with assistance from the Water Management Department, has been in contact with the property owner of 3810 Page Rd. in an attempt to secure the area needed to complete the water main construction. It has been determined that condemnation is necessary in order to meet the Water Management Department's project deadlines.

### **Alternatives**

The permanent easement needed from this property owner is necessary to complete the water main construction along Page Rd. The Department of Water Management indicates that construction plans cannot be modified. Therefore, there are no other alternatives relative to the project design.

### **Financial Impact**

Funds for the proposed condemnation action are available in the Southeast Pressure Zone Project budget as previously approved.

### **SDBD Summary**

This item does not require review by the Equal Opportunity/Equity Assurance Department.

**Attachments:** Project Plats, Detail of Project Plat showing property of Renuka Gupia Gupta, GIS Map with Aerial Photo of parcel ID 158077