



Date: August 18, 2015
To: Thomas J. Bonfield, City Manager
Through: W. Bowman Ferguson, Deputy City Manager
From: Jina B. Propst, Assistant Director, General Services Department

Subject: Proposed Condemnation of Property located at 1914 E. Cornwallis Road (Parcel ID 155777) and 1916 E. Cornwallis Road (Parcel ID 155776) for the Martin Luther King Jr. Sanitary Sewer Outfall Relocation Project

Executive Summary

The City of Durham Water Management Department is slated to begin construction of the Martin Luther King Jr. Sanitary Sewer Outfall Relocation Project in the fall of 2015. The purpose of the project is to relocate the existing sanitary sewer, between Martin Luther King Jr. Parkway and E. Cornwallis Road, due to its location within the existing creek bed. The creek has moved over the past several years, exposing the sewer line in several locations and causing access concerns for maintenance should sanitary sewer failures occur. New underground sanitary sewer lines will be installed on higher ground adjacent to the creek.

The subject property, owned by ECDG South, LLC (ECDG) is one of two properties affected by the project and is the final acquisition necessary for its completion. Negotiations with the property owner located at 1914 E. Cornwallis Road (Parcel ID 155777) and 1916 E. Cornwallis Road (Parcel ID 155776) have been unsuccessful despite staff efforts over the past three years. Any continued delay in acquiring the needed property will jeopardize the project's proposed construction. The General Services Department recommends that City Council approve the condemnation process for:

A Permanent Sanitary Sewer Easement of 30,759 Sq. Ft. (0.706 acres) and Temporary Construction Easement of 19,390 Sq. Ft. (0.445 acres) across a portion of 1914 E. Cornwallis Road (Parcel ID 155777), and

Permanent Sanitary Sewer Easement of 384 Sq. Ft (0.0009 acres), and Temporary Construction Easement of 889 Sq. Ft. (.020 acres) across a portion of 1916 E. Cornwallis Road (Parcel ID 155776).

Recommendation

The Department of General Services and the Department of Water Management recommends City Council find it is necessary, in the public interest, and for the public use and benefit, to condemn the following interests in the property identified as 1914 E. Cornwallis Road (Parcel ID 155777) and 1916 E. Cornwallis Road (Parcel ID 155776), owned by ECDG South, LLC, and as shown on the map entitled Proposed MLK Jr. Parkway Sanitary Sewer Outfall Easement Map prepared by Hydrostructures, P.A. dated October 30, 2014 and to authorize the City Attorney to initiate condemnation proceedings for that purpose, with a deposit into court of \$6,900.00 as the City's estimate of just compensation.

Background

There is an existing sanitary sewer line located in the creek bed along the south east section of the property located at 1914 and 1916 East Cornwallis Road (parcel ID 155777 and parcel ID 155776, respectively). The structure of the existing sewer line piping is failing. The creek bed has eroded over time and has caused infiltration of the creek into the sewer line not only causing concern relative to sewage seepage but difficulty repairing and maintaining the sewer line. This sanitary sewer line is in dire need of relocation.

The Department of Water Management completed design of the Martin Luther King Jr. Sanitary Sewer Outfall Relocation Project in October, 2014. The project is slated to begin in the Fall of 2015. Acquisitions have been secured from one of the two property owners affected by the project.

Negotiations with the subject property owner, ECDG have been unsuccessful due to the death of ECDG's principal owner, and due to the contention of ECDG's current management that construction contemplated on their 1987 Site Plan will not be able to occur subsequent to the sanitary sewer line's relocation. The 1987 site plan was conceptual only, and was not approved by the City/County Planning Department and is unbuildable based on current FEMA maps.

Issues/Analysis

The Real Estate Division, with assistance from the Department of Water Management, has been in negotiations with the property owner over the past three years. In November 2013, the property owner was offered compensation of \$6,900.00. The City secured an independent appraisal on July 16, 2014 that also indicated a value of \$6,900.00. The property owner declined to accept the offer.

Alternatives

The land needed from this property owner is necessary to complete relocation of the existing sanitary sewer outfall. Completion of this portion of the project is necessary for the purpose of relocating the existing sewer line and is beneficial to both the property owner and the City. Department of Water Management staff has indicated that an alternative route is not feasible.

Financial Impact

Funds for the proposed condemnation action are available in the Martin Luther King Jr. Sanitary Sewer Outfall Relocation Project account.

SDBD Summary

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

Attachments: Plat dated October 30, 2014, GIS Map with Aerial Photo of parcel ID 155777 and parcel ID 155776.