



Text File

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Title

Consider and take action on a resolution determining a public necessity to acquire real property interests in certain properties for the PK 1703 Claremont Connector Hike & Bike Trail Project and authorizing the use of eminent domain powers for the acquisition of real property interests in the properties (Director of Budget & Project Management).

..Background:

Approval of this resolution establishes the public necessity to acquire real property interests in certain properties, and authorizes the use of eminent domain powers, if necessary, for the acquisition of real property interests in the properties.

The following is a brief timeline of communications with the Village of Oak Creek Colony (VOCC) Homeowner's Association (the property owner):

- June 6, 2017: A joint kick-off meeting was held with five Homeowner Associations (HOA) to discuss the project and required easements. The project was requested by four of the HOAs (not VOCC) to connect the neighborhoods' multi-use paths to the broader, city-wide trail system.
- June 6, 2017: The City requested an 18-foot wide by 525-foot long easement be donated by the VOCC HOA during the kick-off meeting. This easement is between the other two neighborhoods & is required for overall project cohesion.
- August 3, 2017: The VOCC HOA Board reviewed the trail project during a board meeting. The Board had additional questions regarding the trail connection to Gilmore Elementary School, who would be providing maintenance, and how/if the City would be willing to provide compensation for incurring additional costs for the special vote, mailouts and a 3rd party attorney to review the agreements.
- November 14, 2017: City staff met with the VOCC HOA representative onsite to review the proposed trail alignment. The HOA representative discussed again during a January board meeting and proposed a resident vote the following month.
- March 21, 2018: A consultant from Clark Condon was invited to present at the VOCC HOA meeting on March 21, 2018 to review the project and provide an overview of the easement that would be required. Representatives from adjacent neighborhoods also attended and spoke in support of the project.
- May 17, 2018: A special meeting of the VOCC HOA was held on May 17, 2018; approval of the easement donation required 2/3 support from all of the property owners. Approximately

166 votes of support is needed to move forward. The result of the votes was: 34 For and 11 Against, this included residents present and by proxy/absentee ballot.

The VOCC HOA is generally supportive of the extension to connect the trail, but is unable to legally convey the easement to the City without the necessary votes. The only way to proceed with the project is to acquire the easement through condemnation. The next steps are to obtain an appraisal and make a fair market value offer. If the HOA cannot get the votes to convey the easement for fair market value, then we will proceed with eminent domain.

The proposed resolution is being presented to address condemnation law procedural requirements effected by the passage of Senate Bill 18 in 2011.

Attachments:

1. Data Sheet
2. Proposed Resolution
3. Exhibit 1: Proposed Easement Survey
4. Exhibit 2: GIS Aerial of Proposed Easement
5. Exhibit 3: VOCC Claremont Connector Trail

Funding:

{X} NOT APPLICABLE