

## Legislation Details (With Text)

**File #:** BILL NO. 16-265  
**Name:**  
**Type:** Ordinance  
**Status:** Passed  
**File created:** 11/29/2016  
**In control:** City Council - Regular Session  
**On agenda:** 12/8/2016  
**Final action:** 12/8/2016

**Title:** AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE CERTAIN PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR SANITARY SEWER IMPROVEMENTS ASSOCIATED WITH THE PROPOSED ARBORWALK DEVELOPMENT IN THE AREA OF SW PRYOR ROAD AND SW HOOK ROAD; AUTHORIZING THE CITY MANAGER AND HIS DESIGNEES TO NEGOTIATE FOR THE PURPOSE OF ACQUIRING THE NECESSARY INTERESTS IN LAND; AND AUTHORIZING THE CITY ATTORNEY AND HIS DESIGNEES TO INSTITUTE CONDEMNATION PROCEEDINGS IF SUCH INTERESTS IN LAND CANNOT BE ACQUIRED BY PURCHASE THROUGH GOOD FAITH NEGOTIATIONS.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance

Date	Ver.	Action By	Action	Result
12/8/2016	2	City Council - Regular Session	adopted and numbered	Pass

AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE CERTAIN PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR SANITARY SEWER IMPROVEMENTS ASSOCIATED WITH THE PROPOSED ARBORWALK DEVELOPMENT IN THE AREA OF SW PRYOR ROAD AND SW HOOK ROAD; AUTHORIZING THE CITY MANAGER AND HIS DESIGNEES TO NEGOTIATE FOR THE PURPOSE OF ACQUIRING THE NECESSARY INTERESTS IN LAND; AND AUTHORIZING THE CITY ATTORNEY AND HIS DESIGNEES TO INSTITUTE CONDEMNATION PROCEEDINGS IF SUCH INTERESTS IN LAND CANNOT BE ACQUIRED BY PURCHASE THROUGH GOOD FAITH NEGOTIATIONS.

Issue/Request:

AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE CERTAIN PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR SANITARY SEWER IMPROVEMENTS ASSOCIATED WITH THE PROPOSED ARBORWALK DEVELOPMENT IN THE AREA OF SW PRYOR ROAD AND SW HOOK ROAD; AUTHORIZING THE CITY MANAGER AND HIS DESIGNEES TO NEGOTIATE FOR THE PURPOSE OF ACQUIRING THE NECESSARY INTERESTS IN LAND; AND AUTHORIZING THE CITY ATTORNEY AND HIS DESIGNEES TO INSTITUTE CONDEMNATION PROCEEDINGS IF SUCH INTERESTS IN LAND CANNOT BE ACQUIRED BY PURCHASE THROUGH GOOD FAITH NEGOTIATIONS.

Key Issues:

- This ordinance would provide for the City to use to power of eminent domain (condemnation) to acquire sanitary sewer and temporary construction easements through 5 parcels for a new sanitary sewer line located in the area of SW Pryor Road and SW Hook Road.

- This sanitary sewer line would serve the proposed Arborwalk development in addition to residents currently occupying an area near SW Pryor Road and Hook Road, including those parcels involved in the proposed improvement.
- The developer has tried to acquire the necessary easements through negotiation - even offering to pay costs of connecting to the new sewer line - but has been unsuccessful.
- Eminent domain is used only after significant negotiations based upon appraisals have failed.

Proposed City Council Motion:

FIRST MOTION: I move for second reading of AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE CERTAIN PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR SANITARY SEWER IMPROVEMENTS ASSOCIATED WITH THE PROPOSED ARBORWALK DEVELOPMENT IN THE AREA OF SW PRYOR ROAD AND SW HOOK ROAD; AUTHORIZING THE CITY MANAGER AND HIS DESIGNEES TO NEGOTIATE FOR THE PURPOSE OF ACQUIRING THE NECESSARY INTERESTS IN LAND; AND AUTHORIZING THE CITY ATTORNEY AND HIS DESIGNEES TO INSTITUTE CONDEMNATION PROCEEDINGS IF SUCH INTERESTS IN LAND CANNOT BE ACQUIRED BY PURCHASE THROUGH GOOD FAITH NEGOTIATIONS.

SECONG MOTION: I move for adoption of AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE CERTAIN PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR SANITARY SEWER IMPROVEMENTS ASSOCIATED WITH THE PROPOSED ARBORWALK DEVELOPMENT IN THE AREA OF SW PRYOR ROAD AND SW HOOK ROAD; AUTHORIZING THE CITY MANAGER AND HIS DESIGNEES TO NEGOTIATE FOR THE PURPOSE OF ACQUIRING THE NECESSARY INTERESTS IN LAND; AND AUTHORIZING THE CITY ATTORNEY AND HIS DESIGNEES TO INSTITUTE CONDEMNATION PROCEEDINGS IF SUCH INTERESTS IN LAND CANNOT BE ACQUIRED BY PURCHASE THROUGH GOOD FAITH NEGOTIATIONS.

Background:

[Enter text here]

Impact/Analysis:

[Enter text here]

Timeline:

Start: \_\_\_\_

Finish: \_\_\_\_

Other Information/Unique Characteristics:

[Enter text here]

Presenter: Zach Cartwright, Chief of Litigation

Recommendation: Staff recommends approval of AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE CERTAIN PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR SANITARY SEWER IMPROVEMENTS ASSOCIATED WITH THE PROPOSED ARBORWALK DEVELOPMENT IN THE AREA OF SW PRYOR ROAD AND SW HOOK ROAD; AUTHORIZING THE CITY

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Committee Recommendation: [Enter Committee Recommendation text Here]