

Legislation Text

File #: BILL NO. 23-220, **Version:** 2

An Ordinance determining and declaring the necessity of acquiring for public use certain permanent easements and temporary construction easements for sanitary sewer, water, storm water, other public improvements, and all work incidental and subsidiary thereto, associated with the proposed North and South Summit Mill Improvements Project; authorizing the City Manager and his designee(s) to negotiate for the purpose of acquiring the necessary interests in land; and authorizing the City Attorney and his designee(s) to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.

(Note: First read by Council on November 14, 2023. Passed by unanimous vote.)

Issue/Request:

An Ordinance determining and declaring the necessity of acquiring for public use certain permanent easements and temporary construction easements for sanitary sewer, water, storm water, other public improvements, and all work incidental and subsidiary thereto, associated with the proposed North and South Summit Mill Improvements Project; authorizing the City Manager and his designee(s) to negotiate for the purpose of acquiring the necessary interests in land; and authorizing the City Attorney and his designee(s) to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.

Proposed City Council Motion:

FIRST MOTION: I move for a 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, water, storm water, other public improvements, and all work incidental and subsidiary thereto, associated with the proposed North and South Summit Mill Improvements Project; authorizing the City Manager and his designee (s) to negotiate for the purpose of acquiring the necessary interests in land; and authorizing the City Attorney and his designee(s) to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.

SECOND MOTION: I move for the adoption of an Ordinance determining and declaring the necessity of acquiring for public use certain permanent easements and temporary construction easements for sanitary sewer, water, storm water, other public improvements, and all work incidental and subsidiary thereto, associated with the proposed North and South Summit Mill Improvements Project; authorizing the City Manager and his designee (s) to negotiate for the purpose of acquiring the necessary interests in land; and authorizing the City Attorney and his designee(s) to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.

Background:

The North and South Mill Creek project ("Project") will provide for necessary sanitary sewer, storm water, water, and other public improvements to land currently within the City. As land is annexed into the City, the City must provide municipal services within a reasonable time.

The City has conducted good faith negotiations with multiple land owners to obtain the necessary easements for the Project, but has not been able to come to an agreement with all the landowners. For this Project to proceed forward with providing public use and benefits to all the impacted landowners, the City will need to use condemnation to obtain the necessary permanent and temporary easements.

Timeline:

Start: Upon approval of this Ordinance.

Scott Ison, Chief Counsel of Infrastructure and Recreation

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, water, storm water, other public improvements, and all work incidental and subsidiary thereto, associated with the proposed North and South Summit Mill Improvements Project; authorizing the City Manager and his designee(s) to negotiate for the purpose of acquiring the necessary interests in land; and authorizing the City Attorney and his designee(s) to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.