

Legislation Text

File #: BILL NO. 19-87, **Version:** 1

An Ordinance amending Ordinance No. 8493, determining and declaring the necessity of acquiring for public use certain permanent right-of-way, permanent easements and temporary construction easements for road improvements associated with the Jefferson Street Improvement Project (Oldham Parkway to Persels Road) by condemnation; and providing an easement of access to Jefferson Street for property owned by Timothy Reiss over adjacent property owned by the City.

(NOTE: First reading by City Council on April 2, 2019.)

Background:

Ordinance No. 8493 authorized condemnation of properties owned by Romeo Trucking, LLC and Timothy Reiss. A condemnation action was filed on December 19, 2018, and objections have been made in that action as to the sufficiency of the ordinance. The purpose of this amendment is to eliminate any grounds for those objections.

This amendment:

- Specifically authorizes the acquisition of permanent right-of-way, which was only mentioned in the legal descriptions attached to No. 8493 and was not individual.
- Recognizes that good faith negotiations have failed, instead of authorizing negotiations to commence (as 8493 seemingly reads).
- Provides the Reiss property with access to Jefferson Street in the after (post-condemnation) condition, which was a basis of our offer to Reiss
- Removes one property from the eminent domain action since the City has subsequently acquired the necessary rights-of-way and easements voluntarily.

Proposed City Council Motion:

I move for adoption of An Ordinance amending Ordinance No. 8493, determining and declaring the necessity of acquiring for public use certain permanent right-of-way, permanent easements and temporary construction easements for road improvements associated with the Jefferson Street Improvement Project (Oldham Parkway to Persels Road) by condemnation; and providing an easement of access to Jefferson Street for property owned by Timothy Reiss over adjacent property owned by the City.

Brian W. Head, City Attorney