

MEMO

To: Honorable Mayor and City Council
From: Maria D'Andrea, Director of Public Works
Subject: Authorizing the Exercise of the City's Powers of Eminent Domain to Acquire Certain Real Property Interests Necessary for the Second Creek Infrastructure Improvements Project
Date: June 20, 2016

The Second Creek Infrastructure Improvements project involves building a two-lane multi-modal roadway on:

- 112th Avenue, between Highway 2 and Chambers Road
- Potomac Street, between 108th Avenue and Highway 2

These roadway improvements are being constructed in order to provide improved access to the new recreation center. The design of the roadways attempted to limit the amount of land acquisition required while also providing for a safe and efficient project with adequate lane widths and multi-modal improvements. For example, in order to have 112th Avenue connect with Highway 2 at a better angle and thus provide improved sight lines, it was necessary to introduce a curve into the roadway which requires right-of-way from the property to the south.

The proposed action authorizes commencement of the statutory condemnation process to acquire the various fee (right of way) parcels and slope easements. In total, four (4) parcels of land will be acquired from one property owner, as shown below:

Owner	Parcel ID	Acreage Needed	Use
Catellus CC Note, LLC	172112101050	1.47 acres	Right of Way
Catellus CC Note, LLC	172112101050	0.04 acres	Slope Easement
Catellus CC Note, LLC	172307201001	1.48 acres	Right of Way
Catellus CC Note, LLC	172307201001	0.21 acres	Slope Easement
Total =		3.20 acres	



MEMO CONTINUED

By law, the City is required to: 1) negotiate in good faith with the landowners whose property may be taken by condemnation; and 2) make a “final written offer” to the landowner before filing a condemnation action. Staff has been talking with the property owner and asking that they dedicate the necessary land as a tax benefit to them. Absent dedication or a negotiated agreement on a price, the City will need to move forward with condemnation in order to stay on schedule with the project.

