

CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY



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Bill Type and Number: Ordinance 2024-846

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: October 22, 2024

Committee(s) of Reference: NCSPHS, R, F, TEU

Date of Analysis: October 24, 2024

Type of Action: Appropriation; CIP amendment; authorization to utilize eminent domain condemnation powers; authorization to acquire properties via negotiated sales or condemnation; authorization to execute existing negotiated purchase and sale agreements; Ordinance Code waiver; designation of oversight agency

Bill Summary: The ordinance appropriates \$6 million as a transfer from the Chaffee Road – Other Construction Costs line item to the Chaffee Road – Right-of-Way Acquisition line item to provide funding to acquire land for the Chaffee Road South widening project. It amends the 2025-29 Capital Improvement Plan to reflect the appropriation of the funds within the project. The bill declares the public necessity of acquiring some of the needed property by means of eminent domain through condemnation and authorizes the Real Estate Division and Office of General Counsel to make fair price offers to landowners, to negotiate for voluntary acquisitions where possible, and to initiate condemnation proceedings and make good faith estimate deposits where necessary to acquire the needed properties. City officials are authorized to negotiate purchase prices, claims for business damages and attorney’s fees and costs as necessary. Portions of Ordinance Code Chapter 112 - Claims By and Against City – requiring City Council approval of settlements exceeding \$50,000 are waived to help speed the process of acquisitions. The Real Estate Division is authorized to execute previously negotiated purchase agreements. The Engineering and Construction Management Division of the Department of Public Works is designated as the oversight agency for the road widening project.

Background Information: The project will widen Chaffee Road South from 2 to 4 lanes with medians and auxiliary turn lanes from Normandy Boulevard to I-10, including acquisition of a drainage easement and retention pond site and temporary easements for the placement of project-related materials. The City needs to acquire 44 properties, of which 7 have reached negotiated agreements for purchase. In order to expedite the project this ordinance authorizes the City to declare the necessity of acquiring some of the properties by use of eminent domain if negotiated agreements cannot be reached and to make escrow deposits as required by state law to take the properties before the condemnation proceedings have been completed.

Policy Impact Area: Road widening

Fiscal Impact: The bill reallocates \$6 million within the Chaffee Road South widening project budget to a land acquisition account.

Analyst: Clements