



MEMORANDUM

To: Mayor and City Councilors
From: Rich Olson, City Manager
Date: October 3, 2013
Re: Consideration - Acquisition of Right of Way by NCDOT on former Rice property

BACKGROUND:

Included on the October 3, 2013 agenda for consideration is a request by NCDOT to acquire two rights-of-way from the City to construct the South Road Street Bridge. NCDOT also needs to acquire a strip of property from the property owned by Tony and Tammy Rice, which the City has under contract. The City Attorney has scheduled the closing on the Rice property for 11:30 a.m. on Friday, October 4, 2013.

At that time, the City will control a third piece of property that NCDOT needs for right-of-way purposes. I have already executed a Right of Entry form to allow NCDOT to conduct certain soil borings and other work. NCDOT has offered Mr. Rice (and now the City) \$4,675 to acquire 1,614 square feet of property off the tract. City staff met with NCDOT on October 1, 2013 to discuss the bridge project and how and where the City would tie Herrington Road in to South Road Street.

NCDOT has prepared all legal documents for the conveyance of the property by Tony and Tammy Rice. Once the City's deed is recorded, they will generate new documents in the City's name.

Staff is asking the Council to approve the sale of a section of property presently owned by Tony and Tammy Rice that will be acquired by the City to NCDOT in the amount of \$4,675. If there are complications and the sale does not close as anticipated, this item will be removed from the agenda.

The Finance Committee discussed this matter during their meeting on October 3, 2013 and recommends approval.

STAFF RECOMMENDATION:

By motion, authorize Mayor Joseph W. Peel to execute all documents required for the sale of property, (which will be acquired by the City from Tony and Tammy Rice), to NCDOT in the amount of \$4,675 by adoption of the attached resolution.

RCO/vdw

Resolution
Authorizing Execution of Necessary Documents
For Acquisition of Right of Way by NCDOT

The City Council of Elizabeth City, North Carolina, at its Board Meeting of October 7, 2013 discussed the business of conveying a Right of Way to the North Carolina Department of Transportation, an agency of the State of North Carolina. The following resolution was offered by, _____, seconded by _____ and, being put to a vote, was carried by a unanimous vote.

WHEREAS the construction of the State Highway Project 45347.2.FD15 (BD-5101N) makes it necessary for the North Carolina Department of Transportation to acquire a Right of Way from City of Elizabeth City.

NOW, THEREFORE, be it resolved and by this resolution that the City Council of the City of Elizabeth City does hereby authorize Mayor Joseph W. Peel to execute the necessary documents on behalf of the City of Elizabeth City, NC.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk