



MEETING OF MAY 16, 2023

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
FROM: Tim Nyander, Utilities Director
DATE:
SUBJECT: Kent B. Detmer Condemnation of Easement for West Water Transmission Main Project

RECOMMENDATION:

Staff recommends City Council approval of a Resolution authorizing the City Attorney to seek condemnation and an order of possession of certain land owned by Kent B. Detmer necessary for the West Transmission Water Main project.

BACKGROUND:

The City's wholesale water supplier, Beaver Water District, intends to build a western water distribution point near HWY-112 and the newly constructed Springdale Northern Bypass, HWY-612. This facility will supply a western water transmission feed to all four customer cities, helping with hydraulics, critical redundancy, and overall utility resiliency. Fayetteville's 11-mile connection to the proposed BWD facility has been identified in water master plans for many years. The project is currently being designed, with construction planned to begin in late 2024. For this 48-inch diameter waterline, a 50-foot width easement is necessary along the entire route to construct and maintain the line throughout its lifetime. The route chosen is specifically designed to be as unobtrusive as possible to impacted properties, staying close to property lines whenever possible.

DISCUSSION:

The necessary easement consists of approximately 1.48-acres of easement area. Since 2019, staff has sent many letters, spoken with realtors, and appraised the property over the course of several years without any meaningful negotiations with the ownership. For this reason, Staff recommends that the City Attorney file for order of possession of this easement, paying the value of the property as documented in the appraisal, recently updated.

BUDGET/STAFF IMPACT:

The payment for land acquisition will be made from the W/S Improvements Defined by Study account within the Water & Sewer fund. The agenda item staff review form indicates \$97,750.00 as the cost of this request. It should be noted that this is an estimate, based on the appraised value of the property, and that the final cost is subject to negotiation with the property owners or by court order. The appraised value will be deposited into the Registry of the Circuit Court as just compensation when the condemnation complaint is filed for the property.

ATTACHMENTS: SRF Detmer Condemnation for West Water Transmission Line Easement, Appraisals, Offer Letters, Easement Documents, Case History, Condemnation Brochure 2022 (revised 10-25-22)

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