



MEETING OF OCTOBER 3, 2023

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
FROM: Tim Nyander, Utilities Director
DATE:
SUBJECT: **Approval of a Resolution authorizing the City Attorney to seek condemnation and an order of possession of certain land owned by Leonard W. Stitz necessary for the West Transmission water 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 Leonard W. Stitz necessary for the West Transmission water main project.

BACKGROUND:

The City's wholesale water supplier, Beaver Water District, has begun construction of 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 11.3-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. All easements must be obtained prior to the City of Fayetteville closing on its State Revolving Fund Loan in July 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 Leonard W. Stitz easement consists of approximately 0.12-acres of easement area. City staff has sent an offer letter, and two follow-up reminder letters, and emails with no response from the owner. 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 Water/Sewer Improvements Defined by Study account. The agenda item staff review form indicates \$3,000.00 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.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

ATTACHMENTS: SRF - Stitz Condemnation (#3), 1/5/2023 Tr168 - Leonard Stitz (#4), Case History - Tr168 - Leonard Stitz (#5), Exhibit - Tr168 - Leonard Stitz (#6), Acquisition Summary - Tr168 - Leonard Stitz (#7)

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