



MEETING OF JANUARY 2, 2024

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 for the remaining easements necessary for the Highway 16 Utility Relocations project.**

RECOMMENDATION:

Staff recommends City Council approval of a Resolution authorizing the City Attorney to seek condemnation and an order of possession for the remaining easements necessary for the Highway 16 Utility Relocations project.

BACKGROUND:

The Arkansas Department of Transportation (ArDOT) has requested utility relocations to prepare for the widening of Highway 16 from Stonebridge Road to E. Roberts Road. The City of Fayetteville and ArDOT entered into a Utility Relocation Agreement on July 12, 2023 which notes that the water and sanitary sewer relocations for this project are estimated to cost approximately \$4,748,216.08, subject to public bidding. \$1,328,286.00 of this total is considered "betterment" where larger lines are replacing smaller lines to meet current and future capacity needs. The relocations are estimated to be 42.49% reimbursable to the City of Fayetteville by ARDOT. Based on the estimated costs with betterments removed, this would result in ARDOT funding \$1,453,128.29 and the City of Fayetteville \$3,295,087.71. The actual costs of construction will determine final contributions from each party.

DISCUSSION:

The project design required permanent easements to be obtained on 30 tracts along the project corridor. However, at this time there are still 7 tracts that have not been settled. The City is approaching deadlines as set forth in our ARDOT Relocation Agreement. Namely, that construction start by April 7th, 2024. In order to stay on this critical path, the project will bid in January and work towards committee/council contract approvals in February and March. Meanwhile, all easements must be secured before a contractor can begin work.

BUDGET/STAFF IMPACT:

The payment for land acquisition will be made from the Water & Sewer Utility Relocations account. The agenda item staff review form indicates \$59,355.00 as the cost of this request. It should be noted that this is an estimate, based on the appraised value of the properties, and that the final cost is subject to negotiation with the property owners or 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 so the city will be able take immediate possession of the easements.

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ATTACHMENTS: SRF (#3), Summary List of Easements (#4), Easements (#5)