



# City Council Report

**Date:** February 22, 2021  
**To:** City Council  
**Through:** Marc Heirshberg, Acting Deputy City Manager  
**From:** Beth Huning, City Engineer  
Rob Kidder, Assistant City Engineer  
**Subject:** Signal Butte Road Improvement Project, between Williams Field Road and  
Germann Road  
Council District #6

## Purpose and Recommendation

The purpose of this report is to consider a staff recommendation to authorize staff to acquire certain parcels of land and land rights necessary for the Signal Butte Road Improvements Project, between Williams Field Road and Germann Road. Currently, staff continues to meet and negotiate with property owners. However, to avoid construction delays, staff is requesting authorization to acquire certain parcels through eminent domain if necessary. Staff intends to continue to meet and negotiate with the property owners with the intent of reaching a settlement. Our goal is to acquire the properties through negotiations with the property owners.

## Background

The Signal Butte Road Improvements Project is a federally funded project. This project will provide four (4) through lanes on Signal Butte Road between Williams Field Road and Pecos Road, two (2) through lanes on Signal Butte Road between Pecos Road and Germann Road and allow the connection of Signal Butte Road to the SR24 currently under construction. Other improvements include a new water main on Signal Butte Road from Williams Field Road to Germann Road, new raised medians between Williams Field Road and Pecos Road, and drainage improvements.

Engineering will be using the traditional bidding process. Construction is expected to begin in the fall 2021.

## Discussion

There are 18 parcels (11 owners) in which certain rights-of-way and easements are needed for this project. Real Estate Services began appraising the properties in October of 2020 and Review Appraisals in December 2020. Written offers were made to each of

the owners in December 2020 and January 2021. The City will offer Fair Market Value for the needed right-of-way and/or easements as established by the appraisal. Most of the land needed for this project is additional right-of-way and easements required to accommodate roadway, water line, and drainage improvements.

The City is required by law to pay what is called “just compensation” for the land needed for this project. “Just compensation” includes the value of the land and any improvements being taken and damages equal to any diminishment in value of the remaining property resulting from the acquisition.

To avoid construction delays, Staff seeks Council approval to start the court proceedings on those parcels where the City and Property owners have not yet reached an agreement. Staff will continue to work with the individual property owners and attempt to reach an agreement on a compensation amount for each remaining land right. Filing the court actions is necessary because it will allow the City to seek the Order of Immediate Possession (OIP), so that the Project may proceed while the negotiations regarding compensation continue on a parallel course. These negotiations are often lengthy and are complicated by lender issues and/or title encumbrances. Obtaining an OIP is necessary to avoid costly construction delays.

For the Southern Avenue and Stapley Drive Intersection Improvement Project, there were three (3) properties where eminent domain was used. We successfully settled all of them using an administrative settlement and/or mediation with the owner/owner's attorney. They did not require the use of jury trial.

Attached to this Council Report is Exhibit A, which shows the affected properties where staff has made an offer to the property owner and has not reached an agreement. It also includes a chart with the owner's name, address, the type of property right(s) needed for this Project and the status of the acquisition.

### **Alternative**

The project cannot begin as scheduled if the use of eminent domain is not authorized when necessary to obtain immediate possession.

### **Fiscal Impact**

The recommendation does not have a fiscal impact on the overall cost of the project.

### **Concurrence**

The Engineering and Transportation Departments concur with this recommendation.