

AGENDA



Thursday, April 30, 2009

**Contract and Land Management
RECOMMENDATION FOR COUNCIL ACTION****Item No. 5**

Subject: Approve an ordinance authorizing the acquisition of a fee simple interest in property located at 1409, 1411 and 1415 Meander Street from NOEMI P. ROCHA for the Lower Fort Branch – Voluntary Flood and Erosion Buyout, in the amount of \$115,000 for land and improvements, \$29,950 for owner assisted relocation benefits, up to \$50,000 for modifications in accordance with the Americans With Disabilities Act, plus moving related expenses not to exceed \$10,000, for a total not to exceed \$204,950, and waiving certain requirements of Chapter 14-3 (Relocation Benefits) of the City Code to allow payment of relocation benefits in accordance with federal regulations

Amount and Source of Funding: Funding in the amount of \$204,950 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department.

Fiscal Note: A fiscal note is attached.

For More Information: Lauraine Rizer 974-7078; April Thedford 974-7141

This ordinance will authorize the City Manager to acquire fee simple interests of Lots 13, 14 and 15 Block 2, Lincoln Gardens, Section Two, for the Lower Fort Branch – Voluntary Flood and Erosion Buyout and pay relocation benefits under federal guidelines in 49 CFR Part 24 and the Uniform Relocation and Real Property Acquisition Act (URA) in lieu of Chapter 14-3 (Relocation Benefits) of the City Code. The purpose of the Lower Fort Branch – Voluntary Flood and Erosion Buyout is to reduce the impact of flooding, erosion and water pollution on our community in order to protect lives, property and the environment and preserve the natural character of our creek. Under the terms of the URA, the City will negotiate a contract for an amount not less than the property's current fair market value, noting comparable sales of the property, as determined by an independent appraiser.

The City will also pay relocation benefits according to federal regulations in 49 CFR Part 24 and the URA in lieu of Chapter 14-3 of the City Code. Under Chapter 14-3, the City may not pay more than \$22,500 for a comparable replacement dwelling that is decent, safe, and sanitary and functionally equivalent. This cap has not been revised since Chapter 14-3 was adopted. Rising property values have made it difficult to find replacement housing within the \$22,500 cap and thus have delayed acquisitions. Removing the cap of \$22,500 for these transactions will allow the project to proceed on a timely basis because it will increase the number of replacement dwellings that are available and within the monetary limit of the owner. In addition, the City will pay those necessary and reasonable closing costs incurred for the purchase of the replacement home and moving related expenses outlined by the URA.