



TO: Michael C. Van Milligen, City Manager
FROM: Gus Psihoyos, City Engineer 
SUBJECT: Bee Branch Railroad Culverts Project, Purchase of Permanent and Temporary Easements at 506 Garfield Avenue
DATE: July 30, 2018

INTRODUCTION

The purpose of this memo is to establish the fair market value of permanent easements and temporary easements at 506 Garfield Avenue and seek authorization for the City Manager to begin negotiations to acquire the easements required for the Bee Branch Railroad Culverts Project (Phase 7 of the Bee Branch Watershed Flood Mitigation Project). Further authorization is sought to acquire the easements through eminent domain proceedings should negotiations fail.

BACKGROUND

In December of 2001, the City Council formally adopted the Drainage Basin Master Plan prepared by HDR Engineering, Inc. (Omaha, Nebraska). Based on the study, approximately 1,150 homes and businesses in the Bee Branch Watershed are at risk of flood damage.

In December of 2004, the City Council adopted the alignment of the Bee Branch Creek Restoration Project based on the work and recommendation of the Bee Branch Citizen Advisory Committee. The adopted alignment crossed the railroad yard at 506 Garfield Avenue now owned by Canadian Pacific.

In September of 2013, the City Council adopted Resolution 291-13 amending the alignment of the Bee Branch Creek Restoration Project in the vicinity of Garfield Avenue. The adopted alignment crosses 430 Garfield Avenue, 506 Garfield Avenue, and 525 E. 19th Street.

DISCUSSION

The City commissioned an appraisal of two permanent easements and two temporary easements at 506 Garfield Avenue, a property owned by Canadian Pacific Railway. The permanent easements (see attached Permanent Easement Exhibit A and Permanent Easement Exhibit B) are for the purpose of constructing and maintaining underground

storm sewer facilities. The temporary easements (see attached Temporary Easement Exhibit C and Temporary Easement Exhibit D) are for access through the property during construction of the improvements and provide additional space for contractor maneuverability, staging, and material storage. The value of the easements was appraised at \$81,000.00.

RECOMMENDATION

I recommend that the City establish the fair market value of the permanent easements described in Permanent Easement Exhibit A and Permanent Easement Exhibit B and the two temporary easements described in Temporary Easement Exhibit C and Temporary Easement Exhibit D at the appraised value and that the City Manager begin negotiations with the property owner. Should negotiations fail, I further recommend that the City acquire the easements through eminent domain proceedings.

ACTION TO BE TAKEN

I respectfully request that the City Council adopt the attached resolution:

- (1) Establishing the fair market value of the property described in Permanent Easement Exhibit A, Permanent Easement Exhibit B and the two temporary easements described in Temporary Easement Exhibit C and Temporary Easement Exhibit D and authorizing the City Manager to commence negotiations to acquire the easements; and
- (2) Authorizing the City Manager to acquire the easements through eminent domain if negotiations fail.

Prepared by Deron Muehring, Civil Engineer
cc: Crenna Brumwell, City Attorney
Barry Lindahl, Senior Corporation Counsel
Jenny Larson, Budget Director
Steve Sampson Brown, Project Manager
Deron Muehring, Civil Engineer

Attach.