

# Warren County Board of Supervisors

## RESOLUTION NO. 386 OF 2021

**RESOLUTION INTRODUCED BY SUPERVISORS CONOVER, HOGAN, DICKINSON, THOMAS, BRUNO, GERAGHTY AND MERLINO**

**AUTHORIZING THE SUPERINTENDENT OF PUBLIC WORKS TO APPROVE JUST COMPENSATION AMOUNTS FOR RIGHT-OF-WAY ACQUISITIONS RELATIVE TO PUBLIC WORKS PROJECTS AND AUTHORIZING ACQUISITION OF PROPERTY AND PAYMENT OF JUST COMPENSATION TO INDIVIDUAL PROPERTY OWNERS FOR LAND NECESSARY TO BRIDGE AND ROAD PROJECTS**

WHEREAS, various projects (road and/or bridge replacement) funded by federal and/or state grants and undertaken by the Department of Public Works often involve the acquisition of parcels that are necessary in order to accomplish said projects, which acquisitions are referred to as “right-of-way” (ROW) acquisitions, and usually include the services of a consultant (the “ROW consultant”) to work with project engineers and assist the County in obtaining said property or portions of property, and

WHEREAS, just compensation determinations for these ROW acquisitions follow a stringent process in accordance with federal grant requirements and, as these determinations sometimes change after the initial offers are made to property owners, due to additional appraisal information or evidence of negative impact, with any revised determinations still following the same federally-mandated process, and

WHEREAS, current County procedures require that a resolution be prepared and adopted to execute correspondence from the ROW consultant regarding any increase or decrease in the originally determined just compensation amount, and

WHEREAS, in order to streamline the ROW acquisition process the Public Works Committee has approved a request to authorize the Superintendent of Public Works to approve, without the need for any further resolution(s), adjustments to increase or decrease the amount of just compensation paid to a property owner, with a limit of Ten Thousand Dollars (\$10,000) per acquisition for said increase, and no limit for a decrease, and

WHEREAS, in order to further streamline the ROW acquisition process the Public Works

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Committee has approved a request to authorize the Superintendent of Public Works to execute, without the need for further resolution(s), certain correspondence, as well as any and all documentation that may be required in order for the County to obtain property for road and/or bridge projects, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Superintendent of Public Works to execute the following with regard to obtaining right-of-way acquisitions necessary for Department of Public Works road and/or bridge projects, as provided by the County's sub-consultant: (1) correspondence approving just compensation up to an amount not to exceed Ten Thousand Dollars (\$10,000); (2) correspondence acknowledging receipt of partial title search certifications; (3) agreements to purchase real property; and (4) any other documentation that may be necessary in order to acquire the above-described properties provided, however, that: (1) the Project has been previously approved by the Warren County Board of Supervisors and a resolution authorizing the Project or a subsequent resolution acknowledges that acquisitions of right-of-way will be necessary or identifies such acquisitions, and either that resolution or a financing resolution identifies an estimate of the total cost of such acquisitions; (2) the just compensation referred to herein may not exceed and shall not be less than the highest approved appraisal, together with appropriate interest; (3) all documentation shall be in the form approved by the County Attorney; and (4) the highest approved appraisal referred to herein shall be that appraisal completed by a licensed appraiser (retained by the County) and approved by the Superintendent of Public Works, and within the appropriations authorized for the Project, and be it further

RESOLVED, that the funds for the right-of-way acquisitions shall be expended from their respective Road Funds or Capital Projects, and be it further

RESOLVED, that any right-of-way acquisition not meeting all of the above requirements shall be subject to review and further resolution(s) of the Warren County Board of Supervisors.