

Resolution



City Council
City of Wilmington
North Carolina

Introduced By: Becky Hawke, City Manager

Date: 7/15/2025

Resolution Amending Authorization to File Condemnation Actions for Acquisition of Right-of-Way and Easements for the Independence Boulevard and River Road Roundabout

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, the City of Wilmington is authorized by Part I, §18-1 of the City Charter, and by N.C.G.S. §40A-3(b)(1), to exercise its power of eminent domain to acquire by purchase or condemnation, any property for the purpose of opening, widening, extending, or improving roads, streets, alleys, and sidewalks; and,

WHEREAS, the Independence Road and River Road roundabout project (Project) is part of the RiverLights Development Agreement; and,

WHEREAS, the Project is necessary to complete intersection improvements and provide pedestrian connectivity at the intersection of Independence Road and River Road; and,

WHEREAS, completion of the Project requires the City to obtain certain easements and right-of-way to construct and maintain the improvements; and,

WHEREAS, City staff have made progress towards voluntary acquisition of easements and right-of-way on the Project since Council approved condemnation on the remaining four properties on May 20, 2025, but revisions to the project survey and plat since the date of the last resolution have altered the size and value of easements and right-of-way for Project Parcel 1 and Parcel 3; and,

WHEREAS, the items still needed to be acquired are located on Project Parcel 1 and Parcel 3, as shown on Exhibit 1, and as more specifically described as follows:

1. Waste Management of Carolinas, Inc. – 4045 River Road, Parcel ID Number R07000-001-017-000, Project Parcel #1, with the estimated value of right-of-way interest to be acquired as follows:

1-ROW-1	1,599 SF.
Value of Taking:	\$11,212

2. Rivers Edge, LLC – 4197 River Road, Parcel ID Number R07010-001-005-000, Project Parcel #3, with the estimated value of right-of-way interest to be acquired as follows:

3-ROW-1	572 SF.
3-PUE-1	86 SF.
3-PUE-2	91 SF.
3-PDE-1	60 SF.
3-PDE-2	995 SF.
3-TCE-1	525 SF.
3-TCE-2	1,251 SF.

Value of Taking:	\$16,500
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THEREFORE, BE IT RESOLVED:

THAT, City Council hereby determines that it is necessary and in the public interest to acquire such easements and right-of-way over the real property as shown on Exhibit 1 for the public purpose of providing safe and efficient traffic infrastructure improvements.

THAT, the City Attorney is hereby directed and authorized to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the right-of-way, public utility easements, permanent drainage easements, and temporary construction easements. However, the City Attorney and City Manager are also authorized and encouraged to continue to reach settlement agreements with the subject property owners in lieu of condemnation where possible, and where the same will not delay construction of the Project.

THAT, the City Manager and City Attorney are hereby authorized to obtain the necessary appraisals, title opinions, surveys, and to make all necessary deposits of the estimated fair market value required for filing the condemnation actions.

THAT, sufficient funding for the Project exists to cover these costs.

Adopted at a _____ meeting

On _____ 2025

Bill Saffo, Mayor

Approved As To Form:

Attest:

Penelope Spicer-Sidbury, City Clerk

City Attorney