



City of Grand Island

Tuesday, January 10, 2012

Council Session

Item G11

#2012-9 - Designating Local Public Agency Official Responsible for Setting Just Compensation for Tracts Acquired for Federal Transportation Aid Projects

Staff Contact: John Collins, Public Works Director

Council Agenda Memo

From: Scott Griepenstroh, Project Manager

Meeting: January 10, 2012

Subject: Designating Local Public Agency Official Responsible for Setting Just Compensation for Tracts Acquired for Federal Transportation Aid Projects

Item #'s: G-11

Presenter(s): John Collins, Public Works Director

Background

Grand Island is a Local Public Agency (LPA) in the State of Nebraska receiving federal transportation funding from the Federal Highway Administration (FHWA). As a sub-recipient of federal transportation funding, the City of Grand Island is charged with the responsibility of spending these funds in accordance with Federal and State law. The Nebraska Department of Roads (NDOR) administers these funds under guidelines in the NDOR's Local Public Agency (LPA) Manual.

The City of Grand Island currently has Federal Transportation-Aid projects programmed through the Surface Transportation Program, the Safe Routes to School Program, and the Transportation Enhancement Program.

The law governing property acquisition and relocation on federally assisted projects is Public Law 91-646; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, commonly called the Uniform Act. The procedures for complying with the Uniform Act are described in 49 CFR Part 24.

All Local Public Agencies must have a federally approved Right of Way manual and if not, the LPA must use the NDOR's *Right of Way Acquisition Guide for Local Public Agencies* and NDOR's complete *Right of Way Manual*. The City of Grand Island does not have a federally approved manual and therefore follows the NDOR's manual.

Discussion

As per Section 5, Review of Property Valuation of the *Right of Way Acquisition Guide for Local Public Agencies*, "Just Compensation" must be determined for each tract acquired for a Federal-Aid project. This amount shall not be less than the approved appraisal of the fair market value of the property.

An elected or appointed official shall be empowered to review appraisals, appraisal reviews and set the Just Compensation for each project tract. Passing this resolution will designate the City Administrator and the Public Works Director as the public officials empowered to set Just Compensation for tracts acquired in accordance with the Uniform Act.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Mayor and Council approve a resolution empowering the City Administrator and the Public Works Director to set Just Compensation for tracts acquired in accordance with the Uniform Act.

Sample Motion

Move to approve the resolution.

RESOLUTION 2012-9

WHEREAS, the City of Grand Island is a Local Public Agency in the State of Nebraska receiving federal transportation funding from the Federal Highway Administration; and

WHEREAS, the law governing property acquisition and relocation on federally assisted projects is Public Law 91-646; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, commonly called the Uniform Act; and

WHEREAS, all Local Public Agencies must have a federally approved Right of Way manual and if not, the LPA must use the NDOR's *Right of Way Acquisition Guide for Local Public Agencies* and NDOR's complete *Right of Way Manual*; and

WHEREAS, "Just Compensation" must be determined for each tract acquired for a Federal-Aid project. This amount shall not be less than the approved appraisal of the fair market value of the property; and

WHEREAS, an elected or appointed official shall be empowered to review appraisals, appraisal reviews and set the "Just Compensation" for each project tract.

BE IT FURTHER RESOLVED: The Mayor and Council of the City of Grand Island do hereby designate the following individuals as empowered to set "Just Compensation" for properties acquired in accordance with the Uniform Act.

Public Works Director City Administrator

Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2012.

The City Council of the City of Grand Island

Randy Gard	Robert Niemann
Peg Gilbert	Scott Dugan
Kirk Ramsey	Linna Dee Donaldson
Larry Carney	Mitch Nickerson
Chuck Haase	John Gericke

Council Member _____
 Moved the adoption of said resolution
 Member _____ Seconded the motion
 Roll Call: ___Yes ___No ___Abstained ___Absent
 Resolution adopted, signed and billed as adopted

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk