

**CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM**

Petitioner: Denis Cederburg, Director of Public Works

Recommendation:

Approve and authorize a proposed settlement in the amount of \$1,250,000 for Assessor's Parcel Number 140-35-601-011 (Carlos Arriaza, Jamie G. Butta, Sonny and Lee Ann Bakch) needed as right-of-way for construction of the Orchard Detention Basin between Charleston Boulevard and Linden Avenue project; and authorize the County Manager or his designee to sign any pertinent documents necessary to complete the condemnation process. (For possible action)

FISCAL IMPACT:

| | | | |
|----------------------|--|-------------------|--|
| Fund #: | 4990.992 | Fund Name: | Public Works Regional Improvements/RFC |
| Fund Center: | 1260110001 | Funded PGM/Grant: | PW.F000714 |
| Amount: | \$1,250,000 | | |
| Description: | Orchard Detention Basin - Charleston to Linden | | |
| Additional Comments: | N/A | | |

BACKGROUND:

On February 20, 2024, the Board of County Commissioners approved and authorized the acquisition by eminent domain of a portion of Assessor's Parcel Number 140-35-601-011 (Carlos Arriaza, Jamie G. Butta, Sonny and Lee Ann Bakch) needed for construction of the Orchard Detention Basin between Charleston Boulevard and Linden Avenue project. An appraisal prepared for the County reflected an amount of \$955,000 for the entire parcel and \$416,193 for a portion of the property including severance damages. Offer to acquire a portion of the property was declined. Subsequent negotiations reached an impasse; thus, litigation was initiated.

Upon extensive negotiations between the County's legal counsel and opposing counsel, a proposed settlement has been reached to acquire the parcel in its entirety for \$1,250,000. Acceptance of the settlement will avert claims of additional severance damages due to the loss of acreage and a possible judgement in excess of the proposed settlement. Staff believes that the proposed settlement is reasonable, justified, and in the best interest of the County.

Authorization to approve and authorize the proposed settlement is now being sought from the Board.

Cleared for Agenda

11/05/2024

File ID#

24-1437