

# Roe 2020 Steps to Construction

July 18, 2019



PREPARED BY



# Current Schedule

Date	Task
September 1, 2019	Utility Certification - Relocations substantially underway, or preferably complete. KDOT will hold the City responsible for any delay claims by the contractor during construction related to utility conflicts. KDOT may delay bidding if they feel utilities are not addressed adequately.
September 30, 2019	Final Engineering Plans – necessary for KDOT to generate contracts and specifications for bid
October 1, 2019	Easement Acquisition Complete (or ability to conditionally certify) – Normally easements must be acquired or bid date is delayed. KDOT may allow bidding if eminent domain action is a) a small number of tracts, b) is past the initial hearing. This is entirely KDOT's decision.

# Current Schedule

Date	Task
October 9, 2019	Advertise for bids
November 13, 2019	Bid Letting
February 2020	Open House Public Informational meeting with contractor
March 1, 2020	Construction Begins

# Construction Phasing Overview

- The plans include general traffic control/phasing plan (50 pages). However, we cannot dictate the means and methods to which the contractor constructs the project. Once a contractor is on board, they may change our phasing plan to increase their efficiency.
- In general, GBA's phasing plan is as follows:
  - Remove Existing Center Medians (Inside Lanes Closed, Outside Lanes Open)
  - Construct Proposed Center Medians & Full Depth Pavement where medians were removed but not replaced. (Inside Lanes Closed, Outside Lanes Open)
  - Remove & Reconstruct Curbs/Curb Inlets/Sidewalks/Driveways/Entrances/Sideroads (Outside Lanes Closed/Inside Lanes Open)
  - Mill and Overlay Pavement, construct street lighting and traffic signals, restoration. (Various lane closures)

# Construction Phasing Overview

- Construction Phasing Considerations
  - Sideroad and Commercial Entrance construction phasing has been detailed to maximize accessibility while keeping in mind public safety.
  - Residential Driveway Closure: There will be two instances in which homeowners will not have access to their driveways. This will be during the construction and cure-time of the driveway curb as well as the reconstruction and cure-time of their driveway. We anticipate the closure of each driveway to be limited to about 2 weeks total (depending on weather). Special accommodations will be made for the elderly and handicapped as noted in the plans.

# Typical Acquisition Issues

- Loss of property value – Concern that the loss of property, or project construction, will negatively affect property value.
- Access to the property – Property owners, rightfully, desire vehicular access during construction.
- Construction duration in their area – Construction takes time, and the serial nature of it means that there will be some disturbance along all the roadway until final restoration.
- Changes in the grades/perceived damages to yards – There will be some grade changes, but all properties will be restored to acceptable slopes.

# Typical Acquisition Issues

- Restoration – Concern about lawns, flowers, edging, etc...
- Loss of trees – Tree loss can be a significant hurdle to gaining property owner support.
- Driveway replacement – Concerns about the type of concrete, jointing, how much we will replace, and slopes.
- Easement document indemnification/technical objections - Some owners want to make changes to the documents.

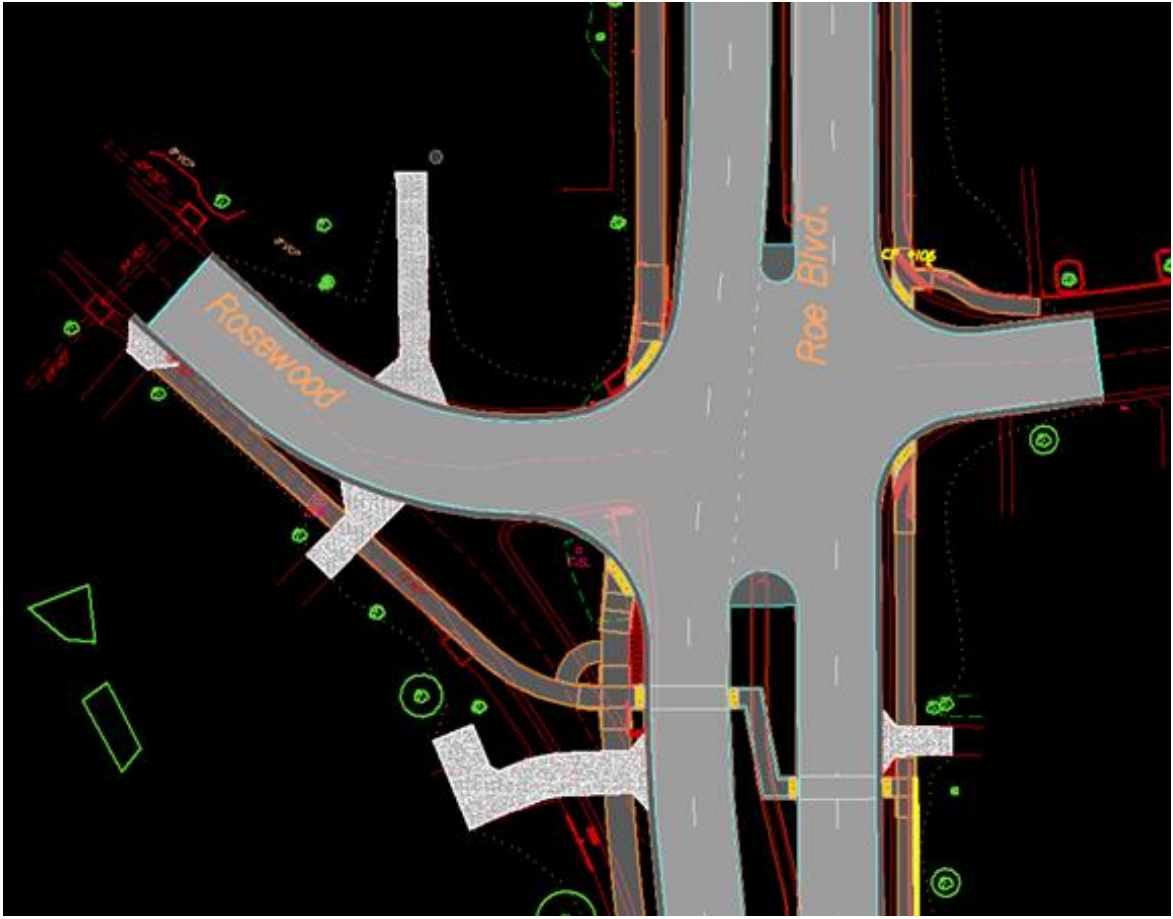
# Specific Barriers

- There are some owners from which we may not be able to negotiate easements, and thus Eminent Domain is required. These may include:
  - Owner opposes project
  - Owner cannot be found/absentee
  - Multiple owner with issues (divorce etc...)
  - Property in ownership change (foreclosure)

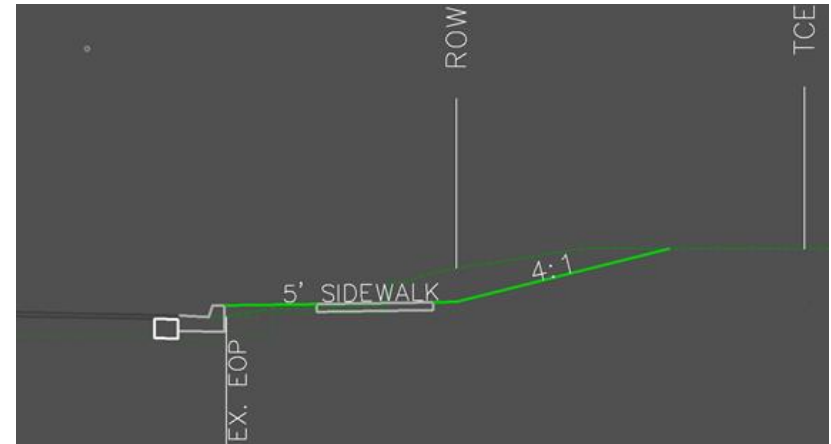
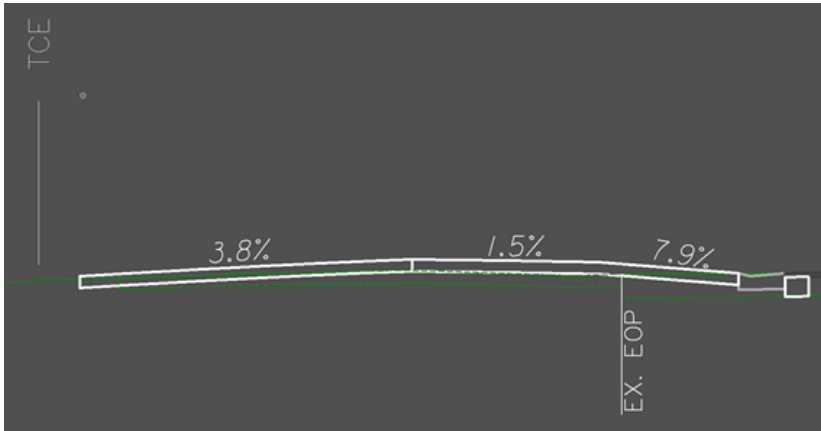
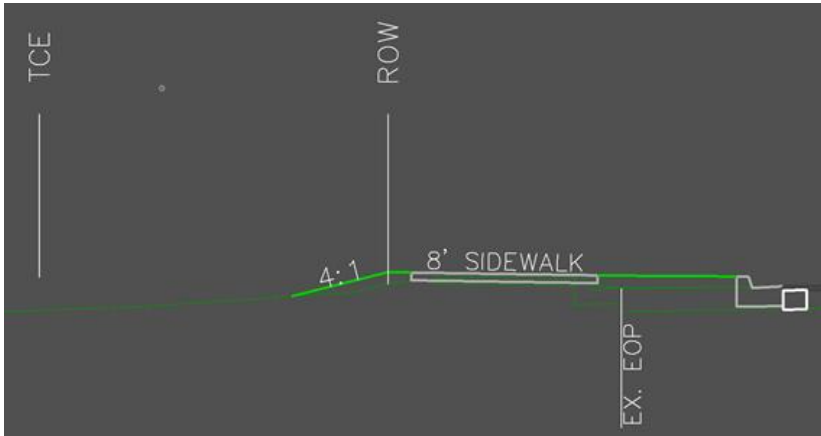
The changes at Rosewood is an area of interest.



# Simplified Rosewood Layout



# Shifting Edge of Pavement



# Acquisition Steps

- Prior to Eminent Domain:
  - City hires certified appraiser to appraise property before and after acquisition (complete)
  - Complicated/over \$10k acquisitions are reviewed by an independent appraiser (complete)
  - Acquisition agent provides offer to property owner (complete)
  - City exhibits good faith effort to acquire property, usually at least 30 days allowance for negotiation

# Acquisition Steps

- Eminent Domain:
  - Governed by:
    - Kansas Statutes 26-501
    - Uniform Relocation Assistance and Real Property Acquisition Act of 1970 – Purpose is to ensure fair compensation and assistance and assistance for those whose property was compulsorily acquired for public use under " eminent domain " law.
  - City authorizes need for Eminent Domain thru resolutions/ordinances
  - City files petition with District Court and notifies property owners, parties in possession, and parties with an interest in the property (mortgage holder, easement holders, etc...)

# Acquisition Steps

- Post Eminent Domain:
  - Court assigns judge, holds hearing on validity of petition (i.e. does the City have the right to condemn for the stated purpose).
  - Court appoints appraisal panel, 2 MAI appraisers, 1 attorney (Johnson County residents)
  - Appraisal panel performs another before and after appraisal, establishes awards, files report with District Court.
  - City pays cost of awards and cost of panel's work to District Court and immediately has possession of the easements.
  - Owners can appeal the appraisal to a trial, but the only issue at this point is money.

# Thank You

# Questions?

