

City of Charlotte

*Charlotte-Mecklenburg Government Center
600 East 4th Street
Charlotte, NC 28202*



Meeting Agenda

Monday, January 10, 2022

Council Chamber

City Council Business Meeting

Mayor Vi Lyles

Mayor Pro Tem Julie Eiselt

Council Member Dimple Ajmera

Council Member Tariq Scott Bokhari

Council Member Ed Driggs

Council Member Larken Egleston

Council Member Malcolm Graham

Council Member Reneé Johnson

Council Member Greg Phipps

Council Member Matt Newton

Council Member Victoria Watlington

Council Member Braxton Winston II

5:00 P.M. CITY COUNCIL ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, REGULAR MEETING HOSTED FROM ROOM 267

This meeting will also be accessible via the Government Channel, the City's Facebook page, and the City's YouTube channel.

1. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

[Council Meeting QAs - Dec 2021](#)

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Action Review Items

Charlotte Future 2040 Policy Map Update

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Alysia Osborne, Planning, Design, and Development

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Provide an update on recent engagement, proposed revisions, and next steps for the Charlotte Future 2040 Policy Map.

CMPD 2021 End of Year Report

Staff Resource(s):

Johnny Jennings, Police

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Receive a year-end update from the Charlotte-Mecklenburg Police Department.

Unified Development Ordinance Update

Staff Resource(s):

Alyson Craig, Planning, Design, and Development

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Provide an update on the on the Unified Development Ordinance.

[Charlotte Future 2040 Policy Map Update](#)

[CMPD 2021 End of Year Report](#)

[UDO Update](#)

4. Closed Session (as necessary)

**6:30 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
HOSTED FROM THE COUNCIL CHAMBER**

Call to Order

Introductions

Invocation

Pledge of Allegiance

CONSENT

- 5. Consent agenda items 10 through 30 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

- A. Items that have not been pulled, and
- B. Items with residents signed up to speak to the item.

PUBLIC HEARING

6. Public Hearing and Decision on the Kennington Area Voluntary Annexation

Action:

- A. Conduct a public hearing for the Kennington Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of January 10, 2022, to extend the corporate limits to include this property and assign it to the adjacent City Council District 5.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Holly Cramer, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 45.05-acre property located along the west side of Hood Road and south of Plaza Road Extension in eastern Mecklenburg County.
- The property is owned by EHC Homes LP.
- The property is currently vacant and zoned R-3, which allows for single-family residential uses.
- The petitioned area consists of two parcels; parcel identification numbers (PID): 108-121-20 and 108-121-18.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current City limits.
- The intent of the annexation is to enable the development of 106 single-family homes on the site.

Consistent with City Council Policies

- The annexation is consistent with City voluntary annexation policies approved by the City Council on March 24, 2003; more specifically this annexation:
 - Is consistent with the policy to not adversely affect the City's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on City finances or services; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new City limits.

Attachment(s)

Map (GIS)
Map (Survey)
Annexation Ordinance

[Kennington Area Annexation Map](#)

[Kennington Area Annexation Survey](#)

[Ordinance - Kennington Area Annexation](#)

7. Public Hearing and Decision on the Creekside Grove Subdivision Area Voluntary Annexation

Action:

- A. Conduct a public hearing for the Creekside Grove Subdivision Area voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of January 10, 2022, to extend the corporate limits to include this property and assign it to the adjacent City Council District 5.**

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Holly Cramer, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 3.579-acre property located along the east side of Hood Road and the south side of Plaza Road in eastern Mecklenburg County.
- The property is owned by Hood Road Partners, LLC.
- The property is currently vacant and is zoned R-4, which allows for single-family residential uses.
- The petitioned area consists of a portion of one parcel; parcel identification number (PID): 111-011-09. Most of this parcel is already located within City limits. The annexation area would bring the rest of the parcel into City limits.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current City limits.
- The intent of the annexation is to enable the development of 10 single-family homes on the site.

Consistent with City Council Policies

- The annexation is consistent with the following City voluntary annexation policies approved by the City Council on March 24, 2003:
 - Is consistent with the policy to not adversely affect the City's ability to undertake future annexations; and
 - Is consistent with the policy to not have undue negative impact on City finances or services.
- The annexation is inconsistent with the policy to not create unincorporated areas that will be encompassed by new City limits; however, the petitioner is unable to acquire PID 111-011-08, and the parcel is unusable for the petitioner's planned development.
- This annexation petition is recommended for approval because despite encompassing PID 111-011-08 with new City limits, the proposed annexation will have a positive impact on City resources and aid the future development of the area.

Attachment(s)

Map (GIS)

Map (Survey)

Annexation Ordinance

[Creekside Grove Subdivision Area Annexation Map](#)

[Creekside Grove Subdivision Area Annexation Survey](#)

[Ordinance - Creekside Grove Subdivison Area Annexation](#)

8. Public Hearing on a Resolution to Close an Unopened Right-of-Way off Rocky River Road Parallel to Rockland Drive

Action:

- A. Conduct a public hearing to close an unopened right-of-way off Rocky River Road parallel to Rockland Drive, and
- B. Adopt a resolution and close an unopened right-of-way off Rocky River Road parallel to Rockland Drive.

Staff Resource(s):

Liz Babson, Transportation
Krystal Bright, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The right-of-way to be closed is located in Council District 4.

Petitioner

David Hughes of Nest Communities, LLC

Right-of-Way to be Abandoned

Unopened right-of-way off Rocky River Road parallel to Rockland Drive

Reason

Per the petition submitted by David Hughes of Nest Communities, LLC, the abandonment is a part of the redevelopment of the site for multi-family development. The City has no objections.

Notification

As part of the City's notification process, and in compliance with NC General Statute Section 160A-299, CDOT submitted this abandonment petition for review by the public and City departments.

Adjoining property owner(s)

John Clark, Jr. - No objections
Mecklenburg County - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map
Resolution

[2020-24A Rocky River Unopened ROW Abandonment Map](#)

[2020-24A Resolution to Close 01.10.2022](#)

POLICY

9. City Manager's Report

[01.10.22 City Manager's Memo](#)

CONSENT

10. Fire Physical Training Uniforms

Action:

- A. Approve a unit price contract for the purchase of physical training uniforms to the lowest responsive bidder Mainland Custom Shirts Inc., DBA Action Plus Ideas for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Reginald Johnson, Fire

Damian Owens, Fire

Explanation

- The Fire Department provides physical fitness training uniforms to all new and current employees on an annual basis for required on-the-job physical training and recruit school.
- On September 22, 2021, the City issued an Invitation to Bid; three bids were received.
- Mainland Custom Shirts Inc., DBA Action Plus Ideas was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$150,000.

Charlotte Business INCLUSION

Per Charlotte Business INCLUSION Policy: Part C: Section 2.1(a) The City shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

These contracts meet the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Fire Operating Budget

11. Construct Irwin Tributary Sanitary Sewer along Remount Road

Action:

Approve a guaranteed maximum price of \$30,266,966 to B.R.S., Inc. for Design-Build construction services for the Irwin Tributary Sanitary Sewer along Remount Road project.

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Mike Davis, Storm Water Services

Explanation

- B.R.S., Inc. has developed a guaranteed maximum price for construction of approximately 14,300 linear feet of 8-inch to 30-inch sanitary sewer line from Dr. Charles L. Sifford Golf Course, across Interstate 77, into the Irwin Basin (Council District 3).
- The project will also include installation of storm drainage to improve deteriorating pipe and reduce flooding of properties and structures. The storm drainage improvements consist of approximately 420 linear feet of 60-inch to 90-inch steel and reinforced concrete pipe between Toomey Avenue and Miller Street.
- Combining the Charlotte Water (\$23,696,916) and Storm Water Services (\$6,570,050) projects will ensure this location is only impacted once by construction minimizing disruption to property and business owners as well as residents who travel through the area.
- On September 14, 2020, City Council approved a contract for \$3,413,127.50 with B.R.S., Inc. for Design-Build design services.
- The project is anticipated to be complete by fourth quarter 2023.

Charlotte Business INCLUSION

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INCLUSION Policy). B.R.S., Inc. has committed \$4,264,745 or approximately 14.09% of the total contract for construction services to the following certified firm:

- Heric Solutions, LLC (SBE) (\$1,864,500) (environmental services)
- Trull Contracting, Inc (WBE, SBE) (\$1,338,500) (concrete repair)
- MTS Trucking, Inc. (MBE, SBE) (\$586,800) (trucking/hauling services)
- Mohawk Traffic Services, LLC (SBE) (\$116,000) (traffic control)
- R.E. Sifford Utility, Inc. (MBE, SBE) (\$108,000) (asphalt repair)
- Stewart Engineering, Inc. (MBE) (\$96,345) (geomatic services)
- Martin Landscaping Co. Inc. (MBE, SBE) (\$66,700) (landscaping)
- Soggy Bottom Erosion Control (SBE) (\$35,500) (silt fence, erosion control)
- Sanders Constructor, Inc. (SBE) (\$34,500) (tree removal)
- JB Long Photography (SBE) (\$17,900) (preconstruction photography)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan and Storm Water Services Capital Investment Plan

Attachment(s)

Map

[Map-Irwin Tributary Sanitary Sewer along Remount Road Construction](#)

12. Construct Storm Water Repair and Improvements

Action:

- A. **Approve a contract in the amount of \$3,913,468.26 to the lowest responsive bidder United of Carolinas, Inc. for the Storm Water Repair and Improvement FY2022-E project,**
- B. **Approve a contract in the amount of \$3,961,924.00 to the lowest responsive bidder OnSite Development, LLC. for the Storm Water Repair and Improvement FY 2022-F project,**
- C. **Approve a contract in the amount of \$4,271,453.75 to the lowest responsive bidder OnSite Development, LLC. for the Storm Water Repair and Improvement FY 2022-G project, and**
- D. **Approve a contract in the amount of \$4,253,394.80 to the lowest responsive bidder United of Carolinas Inc. for the Storm Water Repair and Improvement FY 2022-H project.**

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Susan Tolan, Storm Water Services

Explanation

- These contracts are part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- Approximately 25 projects may be constructed from each contract, within a contract term that may not exceed 24 months. The number of projects may vary depending on the nature and extent of the repairs constructed.

Action A

- On October 15, 2021, the City issued an Invitation to Bid; four bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed by the first quarter of 2024.

Action B

- On October 15, 2021, the City issued an Invitation to Bid; four bids were received.
- OnSite Development, LLC. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed by the first quarter of 2024.

Action C

- On October 21, 2021, the City issued an Invitation to Bid; four bids were received.
- OnSite Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed by the first quarter of 2024.

Action D

- On October 21, 2021, the City issued an Invitation to Bid; four bids were received.
- United of Carolinas Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed by the first quarter of 2024.

Charlotte Business INclusion

Action A

Established MBE Goal: 9.00%

Committed MBE Goal: 9.00%

United of Carolinas, Inc. has identified MBEs on its project team, and for each work order issued, committed 9.00% of the total contract amount to the following certified firms:

- Cesar A Leon L.L.C. (MBE, SBE) (hauling)

- Diamond Trucking of NC Inc (MBE, SBE) (hauling)
- Sun King Trucking, LLC (MBE, SBE) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.00%

United of Carolinas, Inc. has identified SBEs on its project team, and for each work order issued, committed 19.00% of the total contract amount to the following certified firms:

- Pentacle Inc. (WBE, SBE) (fence)
- R.R.C. Concrete, Inc (MBE, SBE) (concrete)
- Silverback Brothers Trucking LLC (MBE, SBE) (hauling)
- Whitesell Trucking, Inc. (SBE) (general construction, sitework)

Action B

Established MBE Goal: 9.00%

Committed MBE Goal: 9.01%

Onsite Development, LLC has identified MBEs on its project team and for each work order issued, committed 9.01% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (MBE, SBE) (hauling)
- MTS Trucking Inc. (MBE, SBE) (hauling)
- Streeter Trucking Company, Inc. (MBE, SBE) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.01%

Onsite Development, LLC has identified SBEs on its project team and for each work order issued, committed 19.01% of the total contract amount to the following certified firms:

- AMP Utility Distribution Services, LLC (WBE, SBE) (materials)
- LJR Concrete LLC (SBE) (concrete)
- Combs Tree Service LLC (SBE) (tree removal)
- Solanos Trucking Company, Inc. (SBE) (hauling)
- Tony's Trucking Inc. (MBE, SBE) (hauling)

Action C

Established MBE Goal: 9.00%

Committed MBE Goal: 9.01%

Onsite Development, LLC has identified MBEs on its project team and for each work order issued, committed 9.01% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (MBE, SBE) (hauling)
- MTS Trucking Inc. (MBE, SBE) (hauling)
- Streeter Trucking Company, Inc. (MBE, SBE) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.01%

Onsite Development, LLC has identified SBEs on its project team and for each work order issued, committed 19.01% of the total contract amount to the following certified firms:

- AMP Utility Distribution Services, LLC (WBE, SBE) (materials)
- LJR Concrete LLC (SBE) (concrete)
- Combs Tree Service LLC (SBE) (tree removal)
- Solanos Trucking Company, Inc. (SBE) (hauling)
- L. Carranza Dump Truck Service (SBE) (hauling)

Action D

Established MBE Goal: 9.00%

Committed MBE Goal: 9.00%

United of Carolinas, Inc. has identified MBEs on its project team, and for each work order issued,

committed 9.00% of the total contract amount to the following certified firms:

- Cesar A Leon L.L.C. (MBE, SBE) (hauling)
- Diamond Trucking of NC Inc (MBE, SBE) (hauling)
- Silverback Brothers Trucking LLC (MBE, SBE) (hauling)
- Sun King Trucking, LLC (MBE, SBE) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.00%

United of Carolinas, Inc. has identified SBEs on its project team, and for each work order issued, committed 19.00% of the total contract amount to the following certified firms:

- R.R.C. Concrete, Inc (MBE, SBE) (concrete)
- Whitesell Trucking, Inc. (SBE) (general construction, sitework)

Fiscal Note

Funding: Storm Water Capital Investment Plan

13. Resolution of Intent to Abandon Ormand Court off Sloan Street

Action:

- A. Adopt a Resolution of Intent to abandon Ormand Court off Sloan Street, and**
- B. Set a Public Hearing for February 14, 2022.**

Staff Resource(s):

Liz Babson, Transportation

Krystal Bright, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The road is located in Council District 1.

Petitioners

Northwood Ravin

Attachment(s)

Map

Resolution

[2021-24A Ormand Ct Abandonment Map](#)

[2021-24A Resolution of Intent 01.10.2022](#)

PROPERTY TRANSACTIONS**14. Charlotte Water Property Transactions - Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #7**

Action: Approve the following Acquisition: Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #7

Project: Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #7

Owner(s): Camille Smith Martin

Property Address: 1624 Lombardy Circle

Total Parcel Area: 4,356 sq. ft. (0.10 ac.)

Property to be acquired by Easements: 1,156 sq. ft. (0.02 ac.) in Permanent Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22MF

Use: Town House

Tax Code: 153-021-33

<https://polaris3g.mecklenburgcountync.gov/#mat=552336&pid=15302133&qisid=15302133>

Purchase Price: \$24,150

Council District: 1

15. Property Transactions - Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #4, 5, 6

Action: Approve the following Acquisition: Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #4, 5, 6

Project: Central, Kilborne, Norland Pedestrian and Bike Improvements, #4, 5, 6

Program: Central, Kilborne, Norland Pedestrian and Bike Improvements

Owner(s): S.M.S. Catering Services Inc.

Property Address: 1715, 1721 and 1731, and 1739 Norland Road

Total Parcel Area: 96,623 sq. ft. (2.22 ac.)

Property to be acquired by Easements: 5,405 sq. ft. (0.124 ac.) Utility Easement, 2,764 sq. ft. (0.063 ac.) Sidewalk Utility Easement, 1,520 sq. ft. (0.035 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Fence, wood bollard, driveway and a tree

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Tax Code: 131-023-22, 131-023-21, 131-023-20

<https://polaris3g.mecklenburgcountync.gov/#mat=55158&pid=13102322&qisid=13102322>

<https://polaris3g.mecklenburgcountync.gov/#mat=56247&pid=13102321&qisid=13102321>

<https://polaris3g.mecklenburgcountync.gov/#mat=56534&pid=13102320&qisid=13102320>

Purchased Price: \$43,000

Council District: 5

16. Property Transactions - Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #11

Action: Approve the following Condemnation: Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #11

Project: Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #11

Program: Central, Kilborne, Norland Pedestrian and Bike Improvements

Owner(s): Panagiotis I Haralambous, John P Elefandis and spouse if any

Property Address: 4328 Central Avenue

Total Parcel Area: 25,147 sq. ft. (0.57 ac.)

Property to be acquired by Easements: 1,494 sq. ft. (0.034 ac.) Sidewalk Utility Easement, 960 sq. ft. (0.022 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-1

Use: Neighborhood Business

Tax Code: 131-023-15

<https://polaris3g.mecklenburgcountync.gov/#mat=128994&pid=13102315&gisid=13102315>

Appraised Value: \$22,200

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 5

17. Property Transactions - Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #12

Action: Approve the following Condemnation: Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #12

Project: Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #12

Program: Central, Kilborne, Norland Pedestrian and Bike Improvements

Owner(s): Samos Partnership, A North Carolina General Partnership

Property Address: 4391 Central Avenue

Total Parcel Area: 81,228 sq. ft. (1.86 ac.)

Property to be acquired by Easements: 986 sq. ft. (0.023 ac.) Sidewalk Utility Easement, 1,150 sq. ft. (0.026 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: B-1

Use: Neighborhood Business

Tax Code: 101-173-42

<https://polaris3g.mecklenburgcountync.gov/#mat=129569&pid=10117342&qisid=10117342>

Appraised Value: \$20,800

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 5

18. Property Transactions - Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #16, 17, 18, 19, 20

Action: Approve the following Acquisition: Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #16, 17, 18, 19, 20

Project: Central, Kilborne, Norland Pedestrian and Bike Improvements, #16, 17, 18, 19, 20

Program: Central, Kilborne, Norland Pedestrian and Bike Improvements

Owner(s): S.M.S. Catering Services Inc.

Property Address: 0, 1700, 1710, 1718 and 1764 Norland Road

Total Parcel Area: 200,299 sq. ft. (4.60 ac.)

Property to be acquired by Easements: 614 sq. ft. (0.014 ac.) Utility Easement, 635 sq. ft. (0.015 ac.) Storm Drainage Easement, 4,424 sq. ft. (0.102 ac.) Sidewalk Utility Easement, 3,024 sq. ft. (0.069 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Fence, wood bollard, driveway and trees

Landscaping to be impacted: None

Zoned: NS

Use: Neighborhood Services District

Tax Code: 13102406, 13102401, 13102402, 13102407, 13102405

<https://polaris3g.mecklenburgcountync.gov/#pid=13102406&qisid=13102406>

<https://polaris3g.mecklenburgcountync.gov/#mat=53884&pid=13102401&qisid=13102401>

<https://polaris3g.mecklenburgcountync.gov/#mat=54695&pid=13102402&qisid=13102402>

<https://polaris3g.mecklenburgcountync.gov/#mat=55358&pid=13102407&qisid=13102407>

<https://polaris3g.mecklenburgcountync.gov/#mat=57014&pid=13102405&qisid=13102405>

Purchase Price: \$57,350

Council District: 5

19. Property Transactions - Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #21

Action: Approve the following Condemnation: Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #21

Project: Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #21

Program: Central, Kilborne, Norland Pedestrian and Bike Improvements

Owner(s): Starr Electric Company Incorporated

Property Address: 0 Norland Road

Total Parcel Area: 6,203 sq. ft. (0.14 ac.)

Property to be acquired by Easements: 22 sq. ft. (0.001 ac.) Sidewalk Utility Easement, 120 sq. ft. (0.003 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Wasteland, slivers, gullies, and rock outcrop

Zoned: B-2

Use: Business

Tax Code: 131-025-02

<https://polaris3g.mecklenburgcountync.gov/#mat=57998&pid=13102503&qisid=13102503>

Appraised Value: \$775

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 5

20. Property Transactions - Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #22

Action: Approve the following Condemnation: Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #22

Project: Central, Kilborne, Norland Pedestrian and Bike Improvements, Parcel #22

Program: Central, Kilborne, Norland Pedestrian and Bike Improvements

Owner(s): Starr Family Group LLC

Property Address: 1808 Norland Road

Total Parcel Area: 100,985 sq. ft. (2.32 ac.)

Property to be acquired by Easements: 115 sq. ft. (0.003 ac.) Storm Drainage Easement, 16 sq. ft. (0 ac.) Sidewalk Utility Easement, 1,687 sq. ft. (0.039 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2

Use: Business

Tax Code: 131-025-03

<https://polaris3g.mecklenburgcountync.gov/#mat=57998&pid=13102503&qisid=13102503>

Appraised Value: \$9,500

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 5

21. Property Transactions - Davidson-Jordan Place Intersection, Parcel #17 and 18

Action: Approve the following Condemnation: Davidson-Jordan Place Intersection, Parcel #17 and 18

Project: Davidson-Jordan Place Intersection, Parcel #17 and 18

Program: Davidson-Jordan Place Intersection

Owner(s): Neese Country Sausage Co

Property Address: 2604 North Davidson Street and 613 Jordan Place

Total Parcel Area: 29,017 sq. ft. (0.67 ac.)

Property to be acquired by Easements: 2,274 sq. ft. (0.052 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Fence, gate, and driveway

Landscaping to be impacted: None

Zoned: TOD-NC

Use: Transit Oriented Development - Neighborhood Center

Tax Code: 083-066-03, 083-066-04

<https://polaris3g.mecklenburgcountync.gov/#mat=87745&pid=08306603&qisid=08306603>
<https://polaris3g.mecklenburgcountync.gov/#mat=162668&pid=08306604&qisid=08306604>

Appraised Value: \$30,475

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 1

22. Property Transactions - DeArmon Road Improvements, Parcel #25

Action: Approve the following Acquisition: DeArmon Road Improvements, Parcel #25

Project: DeArmon Road Improvements, Parcel #25

Program: DeArmon Road Improvements

Owner(s): Gloria H. Phillips

Property Address: 9217 Benfield Road

Total Parcel Area: 90,548 sq. ft. (2.08 ac.)

Property to be acquired by Fee: 2,416 sq. ft. (0.06 ac.) Fee Simple

Property to be acquired by Easements: 3,878 sq. ft. (0.089 ac.) Utility Easement, 4,571 sq. ft. (0.105 ac.) Sidewalk Utility Easement, 988 sq. ft. (0.023 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 027-062-07

<https://polaris3g.mecklenburgcountync.gov/#mat=144793&pid=02706207&qisid=02706207>

Purchase Price: \$83,600

Council District: 4

23. Property Transactions - DeArmon Road Improvements, Parcel #36

Action: Approve the following Condemnation: DeArmon Road Improvements, Parcel #36

Project: DeArmon Road Improvements, Parcel #36

Program: DeArmon Road Improvements

Owner(s): Manochehr Ghahhari, Claudia Sandra Jacobs, and Wells Fargo Bank, N.A.

Property Address: 12301 DeArmon Road

Total Parcel Area: 183,006 sq. ft. (4.23 ac.)

Property to be acquired Fee: 12,839 sq. ft. (0.29 ac.) Fee Simple

Property to be acquired by Easements: 2,452 sq. ft. (0.056 ac.) Utility Easement, 1,559 sq. ft. (0.036 ac.) Storm Drainage Easement, 3,681 sq. ft. (0.085 ac.) Slope Easement, 1,814 sq. ft. (0.042 ac.) Sidewalk Utility Easement, 6,121 sq. ft. (0.141 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Split rail fence and parking area light

Landscaping to be impacted: Tree

Zoned: R-3

Use: Single-family Residential

Tax Code: 027-072-19

<https://polaris3g.mecklenburgcountync.gov/#mat=27189&pid=02707219&gisid=02707219>

Appraised Value: \$46,025

Property Owner's Concerns: The property owner is concerned about the design of the project.

City's Response to Property Owner's Concerns: The City explained the rationale of the design and how it meets the objectives for the project.

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 4

24. Property Transactions - Dixie River Road WM Extension, Parcel #37

Action: Approve the following Condemnation: Dixie River Road WM Extension, Parcel #37

Project: Dixie River Road WM Extension, Parcel #37

Program: Dixie River Road WM Extension

Owner(s): Kris K Frost

Property Address: 6811 Dixie River Road

Total Parcel Area: 262,908 sq. ft. (6.04 ac.)

Property to be acquired by Easements: 3,794 sq. ft. (0.087 ac.) Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 113-211-05

<https://polaris3g.mecklenburgcountync.gov/#mat=176992&pid=11321105&qisid=11321105>

Appraised Value: \$4,775

Property Owner's Concerns: The property owner is concerned about the potential impacts to the property.

City's Response to Property Owner's Concerns: The City explained the rationale of the design and how it meets the objectives for the project.

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: Adjacent to Council District 3

25. Property Transactions - Monroe Road Streetscape, Parcel #15

Action: Approve the following Condemnation: Monroe Road Streetscape, Parcel #15

Project: Monroe Road Streetscape, Parcel #15

Program: Monroe Road Streetscape

Owner(s): Michael E. Todd Revocable Trust Agreement Dated June 20,2000

Property Address: 4301 Monroe Road

Total Parcel Area: 74,901 sq. ft. (1.71 ac.)

Property to be acquired by Easements: 14 sq. ft. (0 ac.) Utility Easement, 3,688 sq. ft. (0.085 ac.) Sidewalk Utility Easement, 3,938 sq. ft. (0.09 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign and parking spaces

Landscaping to be impacted: Landscaping

Zoned: B-2 and O-2

Use: Business and Office District

Tax Code: 159-061-12

<https://polaris3g.mecklenburgcountync.gov/#mat=127787&pid=15906112&gisid=15906112>

Appraised Value: \$110,300

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 5

26. Property Transactions - Monroe Road Streetscape, Parcel #55

Action: Approve the following Acquisition: Monroe Road Streetscape, Parcel #55

Project: Monroe Road Streetscape, Parcel #55

Program: Monroe Road Streetscape

Owner(s): Eric Bohman and Dana Bohman

Property Address: 4938 Monroe Road

Total Parcel Area: 12,909 sq. ft. (0.29 ac.)

Property to be acquired by Easements: 1,081 sq. ft. (0.025 ac.) Sidewalk Utility Easement, 1,168 sq. ft. (0.027 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Shrubs and landscaping bed

Zoned: O-2

Use: Office District

Tax Code: 161-081-16

<https://polaris3g.mecklenburgcountync.gov/#mat=139664&pid=16108116&qisid=16108116>

Purchase Price: \$25,312

Council District: 5

27. Property Transactions - Monroe Road Streetscape, Parcel #57

Action: Approve the following Acquisition: Monroe Road Streetscape, Parcel #57

Project: Monroe Road Streetscape, Parcel #57

Program: Monroe Road Streetscape

Owner(s): Eric Bohman and Dana Bohman

Property Address: 5000 Monroe Road

Total Parcel Area: 13,738 sq. ft. (0.31 ac.)

Property to be acquired by Easements: 1,249 sq. ft. (0.029 ac.) Sidewalk Utility Easement, 1,059 sq. ft. (0.024 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Trees

Zoned: O-2

Use: Office District

Tax Code: 161-081-15

<https://polaris3g.mecklenburgcountync.gov/#mat=140126&pid=16108115&qisid=16108115>

Purchase Price: \$21,688

Council District: 5

28. Property Transactions - University Research Park Sidewalk, Parcel #2

Action: Approve the following Acquisition: University Research Park Sidewalk, Parcel #2

Project: University Research Park Sidewalk, Parcel #2

Program: University Research Park Sidewalk

Owner(s): Mallard Professional Center Association Inc.

Property Address: 8316 Medical Plaza Drive

Total Parcel Area: 92,562 sq. ft. (2.12 ac.)

Property to be acquired by Easements: 4,231 sq. ft. (0.097 ac.) Sidewalk Utility Easement, 2,379 sq. ft. (0.055 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: RE-1

Use: Research District

Tax Code: 047-13C-99

<https://polaris3g.mecklenburgcountync.gov/#mat=230961&pid=04713110&qisid=04713C99>

Purchase Price: \$35,725

Council District: 4

29. Property Transactions - XCLT Orr Road to Rocky River Road, Parcel #11

Action: Approve the following Acquisition: XCLT Orr Road to Rocky River Road, Parcel #11

Project: XCLT Orr Road to Rocky River Road, Parcel #11

Program: XCLT Orr Road to Rocky River Road

Owner(s): B and P Partners LLC

Property Address: 0 Orr Road

Total Parcel Area: 97,329 sq. ft. (2.23 ac.)

Property to be acquired by Easements: 4,837 sq. ft. (0.111 ac.) Greenway Easement, 4,131 sq. ft. (0.095 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: No

Zoned: I-2

Use: Industrial Heavy

Tax Code: 049-021-18

<https://polaris3g.mecklenburgcountync.gov/#pid=04902118&gisid=04902118>

Purchase Price: \$17,350

Council District: 4

30. Property Transactions - XCLT Orr Road to Rocky River Road, Parcel #12

Action: Approve the following Condemnation: XCLT Orr Road to Rocky River Road, Parcel #12

Project: XCLT Orr Road to Rocky River Road, Parcel #12

Program: XCLT Orr Road to Rocky River Road

Owner(s): National Retail Properties LP of North Carolina and The Esten Jennings Mason Trust Agreement Dated July 28, 1989

Property Address: 0 North Tryon Street

Total Parcel Area: 621,210 sq. ft. (14.26 ac.)

Property to be acquired by Easements: 14,446 sq. ft. (0.332 ac.) Greenway Easement, 12,287 sq. ft. (0.282 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industry

Tax Code: 049-021-19

<https://polaris3g.mecklenburgcountync.gov/#pid=04902119&qisid=04902119>

Appraised Value: \$32,225

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 4

Adjournment

REFERENCES

31. Reference - Charlotte Business INclusion Policy

The following excerpts from the City of Charlotte's Charlotte Business INclusion Policy are intended to provide further explanation for those agenda items that reference the Charlotte Business INclusion Policy in the business meeting agenda.

Part A: Administration and Enforcement

Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs).

When feasible, the Charlotte Business INclusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

Part A: Section 3.1: Subcontracting Goals. The City shall establish one or more Subcontracting Goals for all Construction Contracts of 200,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

Appendix Section 20: Contract: For the purposes of establishing a (Minority, Women, and Small Business Enterprise (MWSBE) subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the City procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration, and remodeling; (b) architectural work, engineering, surveying, testing, construction management, and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services), and (d) apparatus, supplies, goods, or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INclusion Program Policy.

Appendix Section 27: Exempt Contracts: Contracts that fall within one or more of the following categories are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INclusion Policy:

No Competitive Process Contracts: Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the City, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

Managed Competition Contracts: Managed competition contracts pursuant to which a City department or division competes with Business Enterprises to perform a City function.

Real Estate Leasing and Acquisition Contracts: Contracts for the acquisition or lease of real estate.

Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation.

State Funded Contracts Subject to the State’s MWBE Requirements: Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

Financial Partner Agreements with DBE or MWBE Requirements: Contracts that are subject to a DBE program or minority and women business development program maintained by a Financial Partner.

Interlocal Agreements: Contracts with other units of federal, state, or local government.

Contracts for Legal Services: Contracts for legal services, unless otherwise indicated by the City Attorney.

Contracts with Waivers: Contracts for which the City Manager or CBI Program Manager waives the CBI Program requirements (such as when there are no MWSBE subcontracting opportunities on a Contract).

Special Exemptions: Contracts where the department and the CBI Program Manager agree that the department had no discretion to hire an MWSBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

Appendix Section 35: Informal Contracts: Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the City Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

Part B: Construction and Commodities Contracts

Part B: Section 2.1: When the City sets a Subcontracting Goal, each Bidder must either: (a) meet each Subcontracting Goal; or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements for each unmet Subcontracting Goal. Failure to comply constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no MBEs, WBEs, or SBEs (as applicable) to perform scopes of work or provide products or services that the City regards as realistic opportunities for subcontracting.

Part C: Service Contracts

Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part C: Section 2.1(b) and 2.1(c): The City may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer’s Committed Subcontracting Goals; and (c) an affidavit listing the MWBEs or SBEs it intends to use on the Contract.

Part C: Section 2.1(h) Negotiated Goals: The City may seek to negotiate Subcontracting Goals after Proposals have been submitted.

Part D: Post Contract Award Requirements

Part D: Section 6: New Subcontractor Opportunities/Additions to Scope/Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the City as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the City shall either (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

Part F: Financial Partners

Part F: Section 4: Financial Partners shall undertake the following outreach efforts with respect to MWBEs and SBEs:

- 4.1 Notify MWBEs and SBEs of any contracting or procurement opportunities that may exist in the Financial Partner's business for which there are MWBEs and SBEs listed in the City's database; and
- 4.2 Request advice and assistance from the CBI Office as to what additional SBE measures might be helpful if and when it becomes apparent that outreach alone will be insufficient to meet the Financial Partner's MWBE and SBE Goal; and
- 4.3 Follow such additional measures as the CBI Office reasonably recommends.

Part G: Alternative Construction Agreements

Part G: Section 2.7: Prior to City Council's vote to award the Alternative Construction Agreement, the Program Manager and the Company shall negotiate and agree on proposed MWSBE Goals for the Project and on a Participation Plan that describes the outreach and efforts the Company will be required to undertake to meet the MWSBE subcontracting goals.

32. Reference - Property Acquisitions and Condemnations

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
 - Sending introductory letters via regular and certified mail,
 - Making several site visits,
 - Leaving door hangers and business cards,
 - Seeking information from neighbors,
 - Searching the internet,
 - Obtaining title abstracts, and
 - Leaving voice messages.
- For most condemnation cases, the City and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If the City Council approves the resolutions, the City Attorney's office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to a trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross," such as public utility easement.
- The term "fee simple" is a synonym for ownership and is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited.

33. Reference - Property Transaction Process

Property Transaction Process Following City Council Approval for Condemnation

The following overview is intended to provide further explanation for the process of property transactions that are approved by City Council for condemnation.

Approximately six weeks of preparatory work is required before the condemnation lawsuit is filed. During this time, the City continues to negotiate with the property owner in an effort to reach a mutual settlement.

- If a settlement is reached, the condemnation process is stopped, and the property transaction proceeds to a real estate closing.
- If a settlement cannot be reached, the condemnation lawsuit is filed. Even after filing, negotiations continue between the property owner and the City's legal representative. Filing of the condemnation documents allows:
 - The City to gain access and title to the subject property so the capital project can proceed on schedule.
 - The City to deposit the appraised value of the property in an escrow account with the Clerk of Court. These funds may be withdrawn by the property owner immediately upon filing, and at any time thereafter, with the understanding that additional funds transfer may be required at the time of final settlement or at the conclusion of litigation.
- If a condemnation lawsuit is filed, the final trial may not occur for 18 to 24 months; however, a vast majority of the cases settle prior to final trial. The City's condemnation attorney remains actively engaged with the property owner to continue negotiations throughout litigation.
 - North Carolina law requires that all condemnation cases go through formal non-binding mediation, at which an independent certified mediator attempts to facilitate a successful settlement. For the minority of cases that do not settle, the property owner has the right to a trial by judge or jury in order to determine the amount of compensation the property owner will receive.