



**CITY COUNCIL AGENDA ITEM**

**To:** Mayor Graham and City Council  
**From:** Dennis Sullivan, Director of Public Works  
Walter Denton, City Administrator  
**Date:** May 18, 2009  
**Subject:** RESOLUTION – Condemnation Proceedings for Old Collinsville Road  
Right-of-Way

**List of committees that have reviewed:** None

**Background:** Bernard-Lochmueller Associates (BLA) who are working as our right-of-way (ROW) procurers have informed us that there are several property owners holding out on the Old Collinsville Road project for questionable amounts, beyond dollar amounts that IDOT may wish to certify as reasonable. As a result, ROW certification may not meet the deadline required by IDOT to allow for a June bidding of the project. This potentially pushes the project into the next FY. Since the project is programmed for this FY, there is a danger of losing the funds. To hold the funds for the project beyond this FY, the Transportation Planning Committee (TPC) rules require that the project begin undergoing a condemnation process for the remaining parcels needed for ROW or easements. To begin the process, O'Fallon and Fairview Heights need to pass Resolutions approving condemnation of the remaining parcels. This action could then be reported to IDOT. Please note - Negotiation on the outstanding parcels can still continue for a hopeful solution before the legal process comes to full fruition. The acquisitions may still be concluded, and perhaps the legal process could at best be an inducement for better bargaining by the property owners. Fairview Heights will seek a similar support resolution for obtainment of ROW and easements on the west side of Old Collinsville Road.

**Legal considerations, if any:** The process itself is a legal proceeding.

**Budget impact:** Any additional costs would be eligible for MFT funding as part of the road project.

**Staff recommendation:** Staff recommends a motion to support potential condemnation proceedings.