



Agenda Item Summary

File #: 24-00149

Agenda Date: 2/27/2024

Agenda Item Name:

NW 122nd Street Right of Way Purchase Agreement with 122nd and Newberry, LLC.

Presenter:

Jeffrey Hays, AICP, Growth Management Director

Description:

This is an agreement to purchase roadway Right of Way, drainage easement and temporary construction easements from 122nd and Newberry, LLC at the Northeast corner of 122nd Street and Newberry Road.

Recommended Action:

The Board of County Commissioners approve the agreement and authorize the chair's signature.

Prior Board Motions:

NA

Fiscal Note:

There are adequate funds in Fund 336 and Fund 354 to cover the cash value of the agreement and the temporary encumbrances required to cover the default contingencies. The total purchase price of the right of way and easements is \$1,050,000 split evenly between a cash payment and Multimodal Transportation Mitigation (MMTM) credit of \$525,000 each.

Capital Project 9227901

Fund 336.79.7910.54.541.63.99 - \$525,000 account description of infrastructure. Temporary encumbrance of \$950,000 to cover cost of AMJ, Inc constructing roadway in case County defaults on certain timing commitments included in agreement.

Strategic Guide:

Infrastructure

Background:

The extension of 122nd Street north of Newberry Road (SR 26) has been identified as a capital improvements project for at least 15 years. This phase of the roadway project will connect to NW 17th Ave and will provide access from the Southpointe Development and future developments north of SR 26 to the existing signal. Future extensions will further enhance the roadway network in the Urban Cluster by connecting to NW 23rd Ave and ultimately NW 39th Ave. In order to construct the extension

of NW 122nd Street, the County requires right of way, drainage easements and temporary construction easements from Parcel 04231-031-000 which is owned by 122nd and Newberry, LLC. Staff have negotiated this agreement for the purchase of the necessary property rights as opposed to going through the lengthy and expensive eminent domain process. The total purchase price of the necessary property for right of way and stormwater is \$1,050,000. This purchase price is split evenly into cash and MMTM credit. The County will then construct the roadway and stormwater facilities necessary for the extension of the roadway to NW 17th Ave. In the event the County does not begin construction within 2 years and complete constructions in 18 months following commencement, the developer has the right to construct the roadway to their northern entrance and construct the stormwater treatment facility to County specifications. In this case the developer would be reimbursed actual costs not to exceed \$950,000. The County is currently completing final design of the roadway extension.