COUNTY AGENDA REQUEST

Department:	Board of Commissioners	Presenter(s):	Commissioner McCarty
Meeting Date:	Wednesday, August 3, 2011	Type of Request:	Old Business

Wording for the Agenda:

Further discussion of a request from Commissioner McCarty that the Board consider establishing a formal set of standards to be used whenever the County acquires privately-owned property for the construction of a public facility.

Background/History/Details:

Whenever counties and cities acquire private property for transportation projects where Georgia Department of Transportation funds are used to pay for any part of the project, the local government is required to use GDOT's guidelines for acquiring the property. GDOT's guidelines are based on federal regulations known as the Uniform Relocation Act. Fayette County complies with these requirements anytime state funds are used to pay any of the cost of the project.

However, Fayette County from time to time acquires property for a number of public purposes where no state or federal funds are used. These projects could be road or bridge improvements, reservoirs, buildings, parks, etc. Commissioner McCarty asked to have a discussion about the County adopting its own set of standard to be used any time the County must acquire private property for the purpose of building any type of county-owned project, regardless of what the project is. These standards would meet or exceed GDOT's guidelines and could be published and distributed any time a property owner is expected to negotiate the acquisition of property with the County. At the Board's July 6 Workshop, this item was discussed and the Board members agreed unanimously to ask the County Attorney to draft a set of standards for their review at their July 28 meeting.

What action are you seeking from the Board of Commissioners?

Further discussion of this item is needed. Once Board members reach a consensus on the terms of the proposed standards, staff will prepare a final document to be placed on an upcoming agenda for adoption.

If this item requires funding, please describe:

N/A

Has this request been considered within the past two years?	Yes	If so, when?	Wednesday, July 6, 2011
Do you need audio-visual for the presentation?	No	Backup Provided with Request?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

Commissioner submitted this agenda request with back-up material to the County Clerk on June 14, 2011.

Date: June 14, 2011

To: County Commissioners
Jack Krakeel, Administrator
Scott Bennett, County Attorney

From: Allen McCarty, Commissioner

Subject: Agenda Item of July 6 Workshop for discussion reference the acquisition of private property

Naturally, since I became a County Commissioner, I have heard a great deal about the County's acquisition of privately-owned property for public purposes, particularly as this process relates to the West Fayetteville Bypass. The topic became interesting to me so I have read about it, listened to property owners, listened to county staff and have inquired about how others work through the process.

To make a long story short, there is a booklet the Georgia Department of Transportation (GDOT) distributes to land owners when they enter negotiations for right-of-way they need in order to improve a state road. The booklet, called What Happens When Your Property Is Needed For A Transportation Facility", outlines what a property owner can expect from the government as the process goes forward. I understand that GDOT has modeled their program after the federal government's guidelines. I also understand that GDOT requires counties and cities that use state monies on a local road project to use GDOT's guidelines if land is to be acquired by the County for that project; and that Fayette County has always complied with the state's requirements in those circumstances.

I respectfully ask that the Commissioners have a discussion about adopting GDOT's guidelines as its own for acquiring private property, *not only for road projects but for all projects built by Fayette County for public purposes*. If there is a consensus to do so, I understand that we would need to ask staff to prepare this topic for adoption at a future Board meeting and that the County Attorney will need to review it, since its origin is in a federal statute.

Let me be as forthright about this issue as I can possibly be. I understand that state or federal funds are not paying for most of our Special Purpose Local Option Sales Tax (SPLOST) projects thus far, including the West Bypass, so perhaps the guidelines the state uses may not have applied thus far when the County has negotiated with property owners along the Bypass. However, naturally, if we do adopt these procedures as our "standard", I would be interested in knowing if, going forward on the Bypass, these new guidelines could possibly apply. Regardless of the answer to that question, I would like to see the County adopt GDOT's policy for all Fayette County projects in the future.

I asked staff to place this item on our July Workshop Agenda, along with a copy of the booklet GDOT distributes for your reference and a draft of a resolution. I realize that this approach may have a financial impact on the County in some cases, but I am likewise concerned about the financial impact our projects can have on affected members of our public. This is not an issue that has been without its problems, as you know.

I look forward to talking with you about this and will appreciate your thoughts. Thank you.