



TO: Mayor Shaun Sipma
Members of the City Council

FROM: John R. Zakian, DR Grant Program Manager & Chief Resilience Officer

DATE: March 26, 2020

SUBJECT: AUTHORIZE INITIATING INVOLUNTARY ACQUISITION PROCESS FOR M1-5 NEW REVISED ALIGNMENT MAP

I. RECOMMENDED ACTION

Authorize Initiating Involuntary Acquisition for Properties Within the new M1-5 Revised Alignment Identified by Property Addresses Attached to this Memo and Further Authorizing Submission of the List of Properties to the State Engineer Consistent with the MOU between the City of Minot and State of North Dakota for the State Water Commission Match Funds

II. DEPARTMENT CONTACT PERSONS

John R. Zakian, DR Program Manager & Chief Resilience Officer, 420-4528

III. DESCRIPTION

A. Background

The underlying purpose of this item and requested action by the City Council is to tighten up the process the city has followed in the past in proceeding with flood control related acquisitions to assure that the city is in full compliance with the federal Uniform Relocation Act (URA). Buyout Areas 6 and 6A were the first acquisitions to follow the process and experienced a successful implementation leading to offers now in the process of being made. The URA sets forth that when Involuntary Acquisition is utilized then all properties within a defined area must be acquired. In authorizing acquisition of the properties in the new M1-5 Revised Alignment Map which serves in establishing the boundaries for acquisition of properties necessary for specific flood control measures, we will be assuring that the city is in full compliance with the URA. The URA also requires that there be a defined boundary connected to a project either planned, in design or ready for construction.

B. Proposed Project

Upon authorization of the City Council, and after the mandatory Environmental Review, a General Information Notice (GIN) will be issued to every property owner in this M1-5 Revised Alignment Map located within the city of Minot limits. The GIN will notify the owner of the city's need to acquire the property, the project associated with the acquisition (this was not done before), the rights of every property owner, the market price determination process, the negotiation process, and the last resort use of Eminent Domain by the city to acquire the properties if negotiations fail. The GIN letter will also offer the property owners a chance to meet and review all their rights and options including relocation benefits for themselves and/or for tenants. The GIN letter will also provide a timeline for the acquisition process to offer the property owners a clear picture of when they will receive an initial offer. These acquisitions will use the Urgent Need CDBG National Objective.

IV. IMPACT:

A. Strategic Impact:

HUD's well established practice is that if a Grantee demonstrates sufficient internal compliance review processes to catch omissions, missed requirements, and/or incorrect policies, and demonstrates to HUD effectively and completing implementing measures to address such matters, then HUD views such as steps and actions as being compliant. The City initially met these standards with Buyout Areas 6 & 6A and with this set of acquisitions will demonstrate it has become the ongoing compliant practice.

B. Service/Delivery Impact:

Acquisition of these properties on a timely basis will assure keeping on track with the M1-5 design and construction efforts coordinated by the Souris Joint River Board

C. Fiscal Impact:

Acquisitions will be funded jointly between CDBG-NDR funds and State Water Commission match funds.

V. ALTERNATIVES

N/A

VI. TIME CONSTRAINTS

NA

VII. LIST OF ATTACHMENTS

A. Boundaries of the M1-5 Revised Alignment Map

B. List of properties within the M1-5 Revised Alignment Map inside Minot city limits