



Board Meeting Agenda Abstract

Tuesday, May 19, 2026

Location:

Agenda Item

Resolution - Authorizing Condemnation of Property - Sunset Lake Road Widening Phase II Project - (Poling) - Item 8.F

Item Explanation

The purpose of this agenda item is to consider adoption of a resolution authorizing the Town Attorney to proceed with condemnation proceedings to acquire the right-of-way, permanent easements, and temporary construction easements required for the Sunset Lake Road Widening Phase II Project.

Staff Comments

The Sunset Lake Road Widening Phase II Project will add lanes over the Norfolk Southern Railroad and improve traffic flow at the US 401/North Main Street intersection. In order to construct the project, the Town must acquire property interests, including right-of-way, permanent utility easements (PUE), drainage utility easements (DUE), and temporary construction easements (TCE).

The Town has followed the acquisition process in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and has obtained appraisals for the affected properties. Despite efforts to reach voluntary settlement, the Town must now take action to secure the property interests needed to keep the project moving forward. At this time, condemnation is the only viable option available to the Town to acquire the needed right-of-way and easements in a timely manner.

The condemnation process allows the Town to proceed with this transportation project while protecting the rights of the affected property owners under the Uniform Act, including payment of just compensation based on fair market value as established through third-party appraisal. If there is a difference of opinion regarding value, that issue may be resolved through mediation or by the court. While property owners will be justly compensated, the Town also has a responsibility to taxpayers and will not pay above fair market value. The eminent domain process protects both the public interest and the rights of the property owners while allowing critical infrastructure improvements to proceed.

Town staff recommends authorizing the Town attorney to begin condemnation proceedings for the right-of-way and easement acquisitions identified in the attached resolution for the following properties needed for the Sunset Lake Road Widening Phase II Project:

*Parcel 004 (PIN 0667700951) â€“ 0.050 acres right-of-way and 0.053 acres PUE;
Parcel 005 (PIN 0667703963) â€“ 0.042 acres right-of-way, 0.097 acres PUE, and 0.026 acres DUE;
Parcel 007 (PIN 0667713268) â€“ 0.100 acres right-of-way and 0.115 acres PUE;
Parcel 009 (PIN 0667712433) â€“ 0.062 acres right-of-way and 0.056 acres PUE;
Parcel 010 (PIN 0667712621) â€“ 0.059 acres right-of-way and 0.055 acres PUE;
Parcel 011 (PIN 0667616799) â€“ 0.024 acres right-of-way, 0.006 acres PUE, and 0.041 acres TCE;
Parcel 012 (PIN 0667627303) â€“ 0.014 acres PUE and 0.021 acres TCE; and
Parcel 013 (PIN 0667724197) â€“ 0.383 acres right-of-way, 0.057 acres PUE, 0.396 acres DUE, and 0.218 acres TCE.*

While staff and management do not take condemnation lightly, staff recommends adoption of the attached condemnation resolution as the only viable option to move the Sunset Lake Road Widening Phase II Project forward at this time.

Fiscal Note

Yes

Funding for acquisition of the required right-of-way and easements has been budgeted for this project. If condemnation is exercised, the required deposit will be made with the Wake County Clerk of Court. If acquisition is completed voluntarily, payment will be made to the property owner at closing, consistent with other real estate purchases. Appraisals have been obtained for the affected properties.

Recommendation

CONSENT AGENDA

MOTION TO: Adopt the resolution authorizing the Town Attorney to proceed with condemnation proceedings, on behalf of the Town of Fuquay-Varina, to acquire the right-of-way, permanent easements, and temporary easements required for the Sunset Lake Road Widening Phase II Project, as presented and recommended.

ATTACHMENTS

[Resolution Authorizing Condemnation.docx](#)

[HL-0027 Resolution Authorizing Condemnation Exhibit.pdf](#)

[004 - 0667700951 Exhibit.pdf](#)

[005 - 0667703963 Exhibit.pdf](#)

[007 - 0667713268 Exhibit.pdf](#)

[009 - 0667616799 Exhibit.pdf](#)

[010 - 0667712621 Exhibit.pdf](#)

[011 - 0667616799 Exhibit.pdf](#)

[012 - 0667627303 Exhibit.pdf](#)

[013 - 0667724197 Exhibit.pdf](#)