



18-256

TITLE: Consider/Discuss/Act on a Resolution Authorizing the Execution of Documents for the Acquisition of Property Rights and the Consideration of the Use of Eminent Domain to Condemn Property for the Construction of a Roadway and Utility Lines in the Vicinity of SH 5 (McDonald Street) from about CR 278 Continuing Southward to Approximately Willow Wood Boulevard in Association with the Willow Wood Off-Site Un-Named Arterial and Sanitary Sewer Main Projects

COUNCIL GOAL: Direction for Strategic Growth

MEETING DATE: March 20, 2018

DEPARTMENT: Development Services / Engineering

CONTACT: Gary Graham, PE, PTOE, Director of Engineering

RECOMMENDED CITY COUNCIL ACTION:

- Approval of Resolution using a motion in a form substantially similar to the following:

"I move that we approve this item as written and authorize the use of the power of eminent domain to acquire for public use all necessary easements for the construction of utility lines from the property owners generally indicated on the attached property locator map and Right-of-Way together with easements from the property owners generally indicated on both the attached property locator map and depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including construction, access and maintenance of the Willow Wood Off-Site Un-Named Arterial and Sanitary Sewer Main."

- This item requires a roll call vote.

ITEM SUMMARY:

- This item provides authority to the City Manager to execute documents for the acquisition of sanitary sewer easements, drainage easements, grading easements, temporary construction easements (TCE) and Right-of-Way (ROW); and the use of eminent domain to condemn property to complete the construction of an off-site un-named arterial and sanitary sewer main, in the vicinity of SH 5 from about CR 278 and continuing southward to approximately Willow Wood Boulevard.

BACKGROUND INFORMATION:

- The City has entered into a Development Agreement (Agreement) with PCB Properties, LLC (Owner) for the development of The Estates of Willow Wood.
- Under the Agreement, the Owner will construct certain roadway and utility capital improvements.
- In accordance with the Agreement, should the City elect to acquire any property interests through eminent domain, the Owner agrees to pay the City for all costs associated with acquiring those interests for public use.
- This agenda item provides authority to the City Manager to execute documents for the acquisition of property rights and to take all necessary steps to acquire property rights in order to construct off-site utilities composed of a sanitary sewer line and Right-of-Way for an un-named arterial as indicated in the areas shown on the project locator map.
- With regard to the sanitary sewer easements, the City has acquired easements from 2 property owners and is currently in negotiations with 2 others. One property owner has been non-responsive and another just recently purchased the property requiring the City to obtain an updated survey and appraisal prior to sending an initial offer.
- There are 2 property owners affected by the ROW acquisition. One property owner is affected by both the utility and roadway projects and has not responded to any letter or offer sent by the City. The City recently received revised plans on the other ROW parcel and is waiting on an appraisal in order to send an initial offer.
- In order to keep the utility and roadway projects on schedule, staff requests authorization to initiate condemnation proceedings if we cannot reach an equitable settlement with a property owner.
- As always, staff will continue to negotiate and use best efforts to acquire the necessary property rights without the need for legal intervention.

Map #	Property Owner	Description	Area	Exhibit
1	Asad Ahmadi	Right of Way	0.032 acres	B1
		Drainage/Grading Easement	0.002 acres	•
2	Billy Densmore	Right of Way	10 square feet	B2

		Drainage Easement	0.194 acres	•
		Sanitary Sewer Easement	0.396 acres	•
		TCE	0.035 acres	•
		TCE	0.168 acres	•
3	Joan Brandon	Sanitary Sewer Easement	0.088 acres	B3
		TCE	0.053 acres	•
4	Frances Pilkinton	Sanitary Sewer Easement	0.033 acres	B4
		TCE	0.017 acres	•
		TCE	0.003 acres	•
5	Crystal Hughes Pilkinton	Sanitary Sewer Easement	0.072 acres	B5
		TCE	0.066 acres	•

FINANCIAL SUMMARY:

- Per the Development Agreement, funds for the acquisition of easements will be provided for by the Owner.

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Resolution](#)

[Location Map](#)