



21-0983

TITLE: Consider/Discuss/Act on a Development Agreement with Craig Drive Six, L.P. for approximately 15.07 Acres in the William Hunt Survey, Abstract No. A450, Regarding the Extension of Required Offsite Utilities and the Possible Use of Eminent Domain for Acquisition of Easements to Provide Sanitary Sewer and Drainage Utility Service to the Affected Areas

COUNCIL GOAL: Direction for Strategic and Economic Growth
(2D: Continuously provide a high level of customer service to our citizens)

MEETING DATE: November 2, 2021

DEPARTMENT: Engineering
City Attorney

CONTACT: Mark S. Houser, City Attorney

RECOMMENDED CITY COUNCIL ACTION: Approval of the proposed Development Agreement.

ITEM SUMMARY:

- Craig Drive Six, L.P. is proposing to develop the subject tract of land for residential purposes.
- This tract is located on the west side of Bois d'Arc Road approximately 500 feet south of US 380.
- Adequate infrastructure is not available to the parcel without extending offsite public utility improvements across adjacent properties.
- A primary purpose of the agreement is to require the extension of offsite utility and drainage improvements, including the City's potential use of eminent domain to acquire the necessary easements to serve the property and surrounding areas with public improvements in the event the landowner is unable to acquire such easements under certain required processes contained in the Development Agreement.
- If utilized, Craig Drive Six, L.P. would be responsible for all costs associated with the City's use of eminent domain. The City shall retain the right to determine if a

public use and necessity exists for initiating eminent domain.

- A separate eminent domain resolution will be presented to City Council should it be determined necessary after the property owner has expended all options with respect to easement acquisition.

BACKGROUND INFORMATION:

- The property cannot develop to its highest and best use without adequate infrastructure.

FINANCIAL SUMMARY: N/A

BOARD OR COMMISSION RECOMMENDATION: N/A

SUPPORTING MATERIALS:

[Agreement](#)