



Legislation Details (With Text)

File #: 2018-5174
Type: Resolution **Status:** Approved
File created: 1/19/2018 **In control:** City Council
On agenda: 2/8/2018 **Final action:** 2/8/2018
Title: Consider a resolution determining the necessity and authorizing the use of the City's power of eminent domain to acquire fee title to 0.035 acre, and a public utility easement interest in and to approximately 0.102 acre, from property owned by Regency Centers, LP for the construction of proposed improvements to RM 620, and take other appropriate action (Parcel 26/26PUE).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A, 2. Resolution

Date	Ver.	Action By	Action	Result
2/8/2018	1	City Council	approve	Pass

Consider a resolution determining the necessity and authorizing the use of the City's power of eminent domain to acquire fee title to 0.035 acre, and a public utility easement interest in and to approximately 0.102 acre, from property owned by Regency Centers, LP for the construction of proposed improvements to RM 620, and take other appropriate action (Parcel 26/26PUE).

The property is the shopping center located at the corner of 620 and IH 35, behind McDonalds.

The original appraised value for this r.o.w. and PUE acquisition was \$39,458. After the appraisal was completed we learned that the impact to parking spaces on the Regency property was greater than originally estimated, and additional redesign and cost estimates to cure these issues were undertaken. Based on this new analysis the City proposed to support an administrative settlement of \$71,610, but to date no substantive response has been received from the owner after multiple follow up inquiries.

This resolution reserves the City's right to use eminent domain to acquire this tract should it become necessary.

EMINENT DOMAIN MOTION LANGUAGE REQUIREMENTS

Mayor and Council:

The Texas Government Code §2206.053 has very specific requirements for the motion to authorize eminent domain proceedings. In order to make certain that we comply with these statutory requirements, I recommend that the motion to adopt the resolution be read aloud as follows:

"I move that the City Council approve this resolution which authorizes the use of the power of eminent domain to acquire fee simple title and a public utility easement interest to the

following parcels of land for construction of proposed improvements to the RM 620 Project: a 0.035-acre tract and a 0.102 acre of land from property owned by Regency Centers, LP, as described in Exhibit A of the resolution.