Legislation Details (With Text)

File #:	2019-0404		
Type:	Resolution	**Status:**	Approved
File created:	9/13/2019	**In control:**	City Council
On agenda:	10/10/2019	**Final action:**	10/10/2019
Title:	Consider a resolution determining the necessity and authorizing the use of the City's power of eminent domain to acquire an electric utility easement in and across approximately 0.288 acre of land owned by Davidass Mahendru and Swaran Mahendru for the construction of certain raw water line and electric utility improvements to and for the regional water treatment and distribution system of the Brushy Creek Regional Utility Authority, Inc. and its participating cities, and take other appropriate action (Parcel 86).		
Sponsors:			
Indexes:	Regional Water Fund		
Code sections:			
Attachments:	1. Resolution, 2. Exhibit A, 3. Maps		

Date	Ver.	Action By	Action	Result
10/10/2019	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 an electric utility easement in and across approximately 0.288 acre of land owned by Davidass Mahendru and Swaran Mahendru for the construction of certain raw water line and electric utility improvements to and for the regional water treatment and distribution system of the Brushy Creek Regional Utility Authority, Inc. and its participating cities, and take other appropriate action (Parcel 86).
The Brushy Creek Regional Utility Authority will require the construction of electrical utility improvements in order to provide the necessary power for the proposed pump station for the deep water intake. Negotiations have been occurring with property owners for the necessary easements for these improvements.

The appraised value for the proposed electric easement for this property owner was: 0.288 ac. (12,545 SF) x $4.35/SF x 85% easement rights = $46,386. The City's appraiser found no remainder damages to be caused by the acquisition.

The owners are represented by Roy Brandys from Barron Adler. They initially proposed a counteroffer demand of $246,928, which was based on 90% easement rights at a land value of $7.00/SF, and 15% damage to the remainder property. That demand was then reduced to $199,000 after the BCRUA increased its own purchase offer to $60,000. A portion of the owner's demand amount was for claimed damages to the remaining property. The demand of $199K was rejected by the BCRUA.

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

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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 an electric utility easement in and across the following parcel of land for construction of certain raw water line and electric utility improvements to and for the regional water treatment and distribution system of the Brushy Creek Regional Utility Authority, Inc.: a 0.288-acre tract of land from property owned by Davidass Mahendru and Swaran Mahendru, as described in Exhibit A of the resolution."

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