



## Legislation Text

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**File #:** 2016-3371, **Version:** 1

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Consider a resolution approving a Mediated Settlement Agreement in Cause No. C-1-CV-14-007201; The City of Leander v. Gary L. Gross and Cathy Gross in the County Court at Law No. 2, Travis County, Texas.

In order to obtain raw water from Lake Travis at a lower elevation, the Brushy Creek Regional Utility Authority (BCRUA) must acquire property for a “deep water intake” facility at Lake Travis. The property identified for the facility, currently owned by Gary and Cathy Gross, consists of 5.2 acres of land. The BCRUA will construct the deep water intake, the commencement of the raw water tunnel, and an associated maintenance building at this property.

The BCRUA’s appraisal of the property was for \$1,724,460 and the landowner’s appraisal was for \$4,520,000, up from their original position of \$3,320,000. Because of the separation in price, the BCRUA Partnering City's and the Gross's participated in a mediation on March 11<sup>th</sup>. The monetary compensation the parties agreed to was \$2,565,000 which is slightly more than the midpoint of our trial evidence and the landowner’s original position (\$2,522,230). After consideration of additional litigation costs, the ultimate outcome in this settlement is well beneath the split between the appraisals for the property. Round Rock’s portion of the \$2,565,000 is 28.79% of the total cost which is \$738,463.50. Leander’s responsible portion of Phase 2 and the cost for the settlement is 43.76% and Cedar Park’s portion is 27.45%.

The BCRUA Board approved a resolution for the Mediated Settlement Agreement on March 18, 2016. All three partnering Cities are expected to consider this resolution in the coming weeks.

Staff Recommends Approval.