



# City of Pflugerville

## Legislation Details (With Text)

**File #:** RES-0860      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Passed  
**File created:** 4/15/2021      **In control:** City Council  
**On agenda:** 5/11/2021      **Final action:** 5/11/2021

**Title:** Approving a resolution of the City Council of the City of Pflugerville, Texas, directing the City Manager or the City Manager’s designee to execute all documents to institute eminent domain proceedings for the acquisition of 5,024 sf right-of-way acquisition, a 2,329 sf public utility easement and a 36,206 sf drainage easement out of the 1.00 acres (43,560 square foot), parcel of land situated in the Philip Golden Survey No. 17 in Travis County, Texas; property owned and claimed by KM Avalon, Ltd.; and directing the city attorney to initiate condemnation proceedings.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution Parcel 8 Eminent Domain\_Kelly Lane Ph 2, 2. KELLY\_ROW\_EXHIBIT P8, 3. Draft Presentation\_RES-0860

Date	Ver.	Action By	Action	Result
5/11/2021	1	City Council	Adopted	Pass

Approving a resolution of the City Council of the City of Pflugerville, Texas, directing the City Manager or the City Manager’s designee to execute all documents to institute eminent domain proceedings for the acquisition of 5,024 sf right-of-way acquisition, a 2,329 sf public utility easement and a 36,206 sf drainage easement out of the 1.00 acres (43,560 square foot), parcel of land situated in the Philip Golden Survey No. 17 in Travis County, Texas; property owned and claimed by KM Avalon, Ltd.; and directing the city attorney to initiate condemnation proceedings.

This resolution has been included on the agenda to allow for discussion and potential action regarding land acquisition (Parcel 8) needed for the Kelly Lane Phase 2 Roadway Project. As part of the project, it is necessary for the City to acquire this property. The property owner has agreed upon an amount of the easement but has not agreed upon the easement language. Staff, City legal counsel and the City’s land acquisition consultant, Seven Arrows Land Staff LLC., conducted several discussions with the Attorney for the property owner regarding the easement language. The property owner is seeking additional easement language that is not feasible for the City.

This resolution authorizes the City Manager to execute all necessary documents to institute eminent domain proceedings if the final formal easement language is not accepted.

**Prior City Council Action**

City Council approved a professional services agreement with Seven Arrows Land Staff, LLC. In the amount of \$93,750.00 for right-of-way services for the Kelly Lane Phase 2 project on February 25, 2020.

City Council approved a purchase agreement and associated conveyance documents between Falcon Pointe Community Association, Inc. (Parcel 4) and the City of Pflugerville as necessary to acquire real property interests for the Kelly Lane Phase 2 Roadway Project at March 23, 2021

meeting.

City Council approved a Drainage Easement and Public Utility Easement from City parkland (Parcel 5) located along Kelly Lane for improvements associated with the Kelly Lane Phase 2 Roadway Project at the March 23, 2021 meeting.

City Council approved a purchase agreement and associated conveyance documents between Frank E. Martin III as Independent Executor of the Estate of Ardalie Ellen Stark Martin, Deceased (Parcel 5a) and the City of Pflugerville as necessary to acquire real property interests for the Kelly Lane Phase 2 Roadway Project

City Council approved a purchase agreement and associated conveyance documents between BH Pflugerville Golf, LP (Parcel 9) and the City of Pflugerville as necessary to acquire real property interests for the Kelly Lane Phase 2 Roadway Project.

**Deadline for City Council Action**

Action is requested on May 11, 2021.

**Funding Expected:** Revenue  Expenditure  N/A

**Budgeted Item:** Yes  No  N/A

**Amount:** N/A

**1295 Form Required?** Yes  No

**Legal Review Required:** N/A  Required  Date Completed: 05/03/2021

**Supporting documents attached:**

Proposed Resolution

Easement Exhibit

Draft Presentation

**Recommended Action**

Approve a resolution authorizing the City Manager and City Attorney, or their respective designees, to take all necessary actions to proceed with the eminent domain proceedings for the acquisition of 2,415 square feet of right-of-way, a 1,401 square feet of public utility easement and 38,116 square feet of a drainage easement out of the a 6.36 Acres (277,056 Square Foot), parcel of land situated in the Philip Golden Survey No. 17 in Travis County, Texas; being property owned and claimed by Kelly Lane W.C.I.D. No. 1 C/O Patrick Carlson