



# City of Pflugerville

## Legislation Details (With Text)

**File #:** RES-0398    **Version:** 1    **Name:**

**Type:** Resolution    **Status:** Discuss and consider action

**File created:** 3/2/2017    **In control:** Public Works

**On agenda:** 4/11/2017    **Final action:** 4/11/2017

**Title:** Discuss and consider action to approve a resolution with the caption reading: 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 0.8442 ACRES OF LAND IN FEE-SIMPLE FOR RIGHT OF WAY PURPOSES AND 0.1688 ACRES OF LAND FOR A PERMANENT PUBLIC UTILITY EASEMENT, CONSISTING OF FOUR PARCELS, OUT OF THE GEORGE M. MARTIN SURVEY NO. 9, ABSTRACT NO. 529, TRAVIS COUNTY, TEXAS AND BEING OUT OF THOSE TRACTS OF LAND DESCRIBED IN DOCUMENTS NOS. 2008040026 AND 2008040028 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; PROPERTY OWNED AND CLAIMED BY JACK AND JACKIE PAYNE; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Eminent Domain Resolution - Payne with Exhibits, 2. Jack and Jackie Payne PUE ROW Map

Date	Ver.	Action By	Action	Result
4/11/2017	1	City Council	Approved	Pass

Discuss and consider action to approve a resolution with the caption reading: 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 0.8442 ACRES OF LAND IN FEE-SIMPLE FOR RIGHT OF WAY PURPOSES AND 0.1688 ACRES OF LAND FOR A PERMANENT PUBLIC UTILITY EASEMENT, CONSISTING OF FOUR PARCELS, OUT OF THE GEORGE M. MARTIN SURVEY NO. 9, ABSTRACT NO. 529, TRAVIS COUNTY, TEXAS AND BEING OUT OF THOSE TRACTS OF LAND DESCRIBED IN DOCUMENTS NOS. 2008040026 AND 2008040028 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; PROPERTY OWNED AND CLAIMED BY JACK AND JACKIE PAYNE; 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 needed for the Weiss Lane Roadway Project. As part of the project, it is necessary for the City to acquire this property. The City's land acquisition consultant, Lockwood, Andrews and Newnam Inc., and the City Attorney's Office conducted discussions with the property owner and their attorney on the status of the formal offer and explanations of the appraisal value. The City has not received a counter offer from the property owner to date.

This resolution authorizes the City Manager to make one final formal offer to the property owner for the appraised land value and execute all necessary documents to institute eminent domain

proceedings if the final formal offer is not accepted.

The resolution was prepared and approved by the City Attorney's office.

**Status**

The City has acquired or is finalizing all other property acquisition related to the Weiss Lane Roadway Project. The project requires acquisition of this property.

**Fiscal Impact**

The funds for payment of the appraised land value and any subsequent closing fees is being funded from the general obligation bonds authorized in 2014 and 2015 as well as Travis County bond funds.

**Staff Recommendation**

Discuss and take action as appropriate.

**Drafter**

Tom Word

Assistant City Manager