



City of Pflugerville

Legislation Details (With Text)

File #: RES-1037 **Version:** 1 **Name:**

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

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On agenda: 9/27/2022 **Final action:** 9/27/2022

Title: Discuss and consider action to approve 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 public right-of-way in Pflugerville, Travis County, Texas and directing the city attorney to initiate condemnation proceedings associated with the Historic Colored Addition Infrastructure Improvements Project.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Condemnation Resolution - P3 -Bennett (4862-2034-2065.1)

Date	Ver.	Action By	Action	Result
9/27/2022	1	City Council	Approved	Pass

Discuss and consider action to approve 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 public right-of-way in Pflugerville, Travis County, Texas and directing the city attorney to initiate condemnation proceedings associated with the Historic Colored Addition Infrastructure Improvements Project.

This resolution has been included on the agenda to allow for discussion and potential action regarding acquisition of public right-of-way (Parcel 3) needed for the Historic Colored Addition Infrastructure Improvement Project.

As part of the project, it is necessary for the City to acquire this small parcel. The City has determined a public need to acquire fee simple title to certain real property for the purpose of public safety for the improvement of deteriorating infrastructure by way of reconstruction of each of the existing subdivision roadways, street lighting and new water mains with fire hydrants to provide fire protection of the subdivision. The City has found that in order to provide adequate fire protection for the subdivision, the expansion of the roadway to match the width of Grant Avenue is required to allow for an increased turning radius for fire apparatus at the intersection with Caldwell's Lane. The larger fire apparatus length and turn radius longest apparatus require an adequate turning radius to safely maneuver this portion of the intersection and to ensure an unobstructed pathway for these larger vehicles to respond to an emergency. The property owner has agreed to the cost of the easement but has not agreed to the terms outlined in the easement. Staff, City legal counsel and the City's land acquisition consultant, Seven Arrows Land Staff LLC., conducted several discussions with the property owner regarding the easement terms. The property owner is seeking approval of requests for the future development of the parcel, however, these are not associated with the CIP project and cannot be conjoined in the approval of the acquisition of the property for the CIP project. City staff

will entertain these requests as the property owner submits the parcel for development approval.

This resolution authorizes the City Manager and the City Attorney, on behalf of the City, to initiate condemnation proceedings and such other actions as are necessary to acquire the property by the exercise of the power of eminent domain proceedings if the final formal offer is not accepted.

Prior City Council Action

City Council approved Resolution Number 1693-19-04-09-0600 regarding the Infrastructure and Land Use Study associated with the Pflugerville’s Historic Colored Addition Subdivision on April 9, 2019.

City Council approved a Professional Services Agreement with Halff Associates, Inc. in the amount of \$233,890 for professional services for the Plans, Specifications, and Estimate (PS&E) associated with the Russell Street, Caldwell’s Lane, Taylor Street, and Lincoln Avenue Project at the February 25, 2020 meeting.

City Council approved a Professional Services Supplemental Agreement with Halff Associates, Inc. in the amount of \$175,159 for professional services for continued utility coordination services, bid and construction phase services and construction materials testing associated with the Russell Street, Caldwell’s Lane, Taylor Street, and Lincoln Avenue Project at the July 27, 2022 meeting.

Deadline for City Council Action

Action is requested on September 27, 2022.

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: 09/13/2022

Supporting documents attached:

Proposed Resolution

Recommended Action

Approve a resolution authorizing the City Manager or the City Manager's designee to execute all documents to institute eminent domain proceedings for the acquisition of land situated for permanent easements and for temporary construction easements in Pflugerville, Travis County, Texas and directing the city attorney to initiate condemnation proceedings.