



City of Pflugerville

Legislation Details (With Text)

File #: RES-0463 **Version:** 1 **Name:**
Type: Resolution **Status:** Discuss and consider action
File created: 9/28/2017 **In control:** Public Works
On agenda: 10/10/2017 **Final action:** 10/10/2017

Title: 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code and deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding acquisition of property owned by KellyWeiss, LLC for the Weiss Lane Roadway Project. 2.) Open Session Item: 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 0.4431 OF ONE ACRE OF LAND IN FEE-SIMPLE FOR RIGHT OF WAY PURPOSES AND 0.0634 OF ONE ACRE OF LAND FOR A PERMANENT DRAINAGE EASEMENT OUT OF THE EDWARD FLINT SURVEY NO. 11, ABSTRACT NO. 277, TRAVIS COUNTY, TEXAS AND BEING OUT OF THAT TRACT OF LAND DESCRIBED AS 2.026 ACRES IN DEED TO KELLYWEISS LLC, OF RECORD DOCUMENT NO. 2017072497, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING PROPERTY OWNED AND CLAIMED BY KELLYWEISS LLC; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Eminent Domain Resolution - Kelly Weiss DNRBZ 2017 1002, 2. Exhibit A - 0.4431 of one acre, 3. Exhibit B - 0.0634 of one acre, 4. Kelly Weiss LLC Eminent Domain Resolution Map

Date	Ver.	Action By	Action	Result
10/10/2017	1	City Council	Approved	
10/10/2017	1	City Council	Approved	Pass

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code and deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding acquisition of property owned by KellyWeiss, LLC for the Weiss Lane Roadway Project. 2.) Open Session Item: 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 0.4431 OF ONE ACRE OF LAND IN FEE-SIMPLE FOR RIGHT OF WAY PURPOSES AND 0.0634 OF ONE ACRE OF LAND FOR A PERMANENT DRAINAGE EASEMENT OUT OF THE EDWARD FLINT SURVEY NO. 11, ABSTRACT NO. 277, TRAVIS COUNTY, TEXAS AND BEING OUT OF THAT TRACT OF LAND DESCRIBED AS 2.026 ACRES IN DEED TO KELLYWEISS LLC, OF RECORD DOCUMENT NO. 2017072497, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING PROPERTY OWNED AND CLAIMED BY KELLYWEISS LLC; 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 2015.

Staff Recommendation

Discuss and take action as appropriate.

Drafter

Amy Giannini

City Engineer