



# City of Pflugerville

## Legislation Details (With Text)

**File #:** RES-0861      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 4/15/2021      **In control:** Engineering Dept

**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 2,415 sf right-of-way, 1,401 sf public utility easement and 38,116 sf drainage easement out of the 6.36 acres (277,056 square foot), parcel of land situated in the Philip Golden Survey No. 17 in Travis County, Texas; property owned and claimed by Kelly Lane W.C.I.D. No. 1; and directing the City Attorney to initiate condemnation proceedings.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Proposed Resolution\_Parcel 7, 2. KELLY\_ROW\_EXHIBIT P7, 3. Draft Presentation\_RES-0861

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 2,415 sf right-of-way, 1,401 sf public utility easement and 38,116 sf drainage easement out of the 6.36 acres (277,056 square foot), parcel of land situated in the Philip Golden Survey No. 17 in Travis County, Texas; property owned and claimed by Kelly Lane W.C.I.D. No. 1; 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 an easement (Parcel 7) 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 offer 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 Ardalia 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: 05/04/2021

**Supporting documents attached:**

Proposed Resolution

Easement Exhibit

Draft Presentation

**Recommended Action**

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 2,415 sf right-of-way, 1,401 sf public utility easement and 38,116 sf drainage easement out of the 6.36 acres (277,056 square foot), parcel of land situated in the Philip Golden Survey No. 17 in Travis County, Texas; property owned and claimed by Kelly Lane W.C.I.D. No. 1; and directing the City Attorney to initiate condemnation proceedings