



City of Pflugerville

Legislation Text

File #: RES-0848, **Version:** 1

Approving a resolution amending the policy and procedures for acquisition of real property or property rights.

This agenda item was included to update the resolution regarding the policy and procedures for acquisition of real property of property rights. The resolution has not been updated since August 2002. The current Real Estate Acquisition Procedures align with applicable laws, although City Staff requests consideration for providing timelines and documentary requirements framed in accordance with laws to streamline the acquisition process to obtain purchases in a more timely and efficient manner. Staff also requests establishing policy for including processes where necessary for Eminent Domain and Injunction measures to maintain a Capital delivery project schedule.

The current acquisition procedures do not specify a negotiation authority level for staff nor Land Real Estate Agent and such delegation of authority would set clear guidance for negotiation within the limit of appraised properties. In the absence of proper and formal documentation recording the negotiation proceedings and justification for outcome, effectiveness of the negotiation efforts during the selected acquisitions could not be verified. Updating the process will assist in minimizing delays in delivery of capital projects and assist City staff, Engineers/Architects and everyone involved.

In addition, the process and procedures associated with when and how the Eminent Domain occurrence has not been formally documented. The City has the option to acquire real estate through purchase, eminent domain, exchange or by donation. The acquisition of selected options can clearly be determined as part of this process and provided as performance metric associated with the project management process. As well, this will allow documented information for staff to better understand the acquisition process and activities undertaken.

Over the last twelve (12) months, at least seven (7) capital projects had one or more Right-of-Way (ROW) or easement for acquisition related for infrastructure construction needs. The City attempts to acquire real property for ROW and easements during the design phase and prior to the construction phase in most instances. Land purchases usually designate when a project begins transitioning from the design phase to construction. In anticipation of the number of Capital projects to be delivered over the next several years, the number of ROW and easement acquisitions projected to increase. CIP Staff can utilize the new process and procedures to serve as a more efficient practice to deliver the projects identified in the 2020 bond and 5-year CIP for both General Fund and Utility Fund projects.

The City of Pflugerville established processes and procedure guidelines associated with property acquisition as required by the Texas Property Code (TPC) 21 and Texas Local Government Code Chapters (TLGC) 251 and 252.051 where applicable. The CIP Department acts as a service department for other departments and provides real estate services, including property acquisition, property valuation, relocation and other property related services. The CIP Department also acquires rights of way for City departments constructing capital projects, and as part of those services,

performs the following activities:

- Ø Work closely with real estate consultants, title companies and appraisers;
- Ø Order title reports and property appraisals;
- Ø Coordinate ROW Land Agent to meet with property owners;
- Ø Coordinate ROW Land Agent to present offers; and
- Ø Negotiate property sales transactions, including requesting City Council's approval for real estate transactions, whenever required.

The new proposed update to the resolution the formally adopted policy documents help eliminate common misunderstandings by recognizing job responsibilities, establishing limitations for the project managers and achieving a common City objective. The steps of the typical real estate acquisition process as established with this update.

Prior City Council Action

Resolution Number 257-02-08-27-4H was approved in August 2002.

Deadline for City Council Action

Action is requested on May 25, 2021.

Funding Expected: Revenue ___ Expenditure ___ N/A X

Budgeted Item: Yes ___ No ___ N/A X

Amount: N/A

1295 Form Required? Yes ___ No X

Legal Review Required: N/A ___ Required X Date Completed: 5/18/2021

Supporting documents attached:

Proposed Resolution
RES 257-02-08-27-4H
Draft Presentation

Recommended Action

Approve a resolution amending the policy and procedures for acquisition of real property or property rights.