



COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Kathryn Davis, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of two rights of way and two temporary construction easements necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$35,000.

BACKGROUND: The City is in the design phase for roadway improvements to Poison Oak Road from State Highway 317 to Old Waco Road. Improvements include expanding the current two lane pavement section to a new four lane roadway, extending to connect to Old Waco Road, pedestrian facilities, drainage conveyance, utilities, street lighting, and landscaping.

The design requires the acquisition of right of way from thirty-two (32) properties. Twenty-nine (29) of the thirty-two (32) properties are owned by twenty-five (25) private citizens or entities. One right of way has been donated by Belton Independent School District. The City and the State of Texas (TxDOT) own the two remaining properties.

Appraisals have been conducted on all the properties and offers have been made to those property owners based on the appraisals. For those properties that require relocation, Stateside Right of Way Services, Inc. (Stateside) has prepared and presented the necessary relocation studies. The City has acquired or has possession of twenty-six rights of way and is coordinating closing with one property owner. Council authorized eminent domain for six properties at its January 17, May 16, and June 6, 2019 meetings. Negotiations continue with the remaining property owners.

On May 16, 2019, Council authorized eminent domain proceedings for the two properties owned by Benjamin Reed. Haley & Olson, PC, the City's outside counsel, filed a Petition in Condemnation on behalf of the City on July 25, 2019. It was discovered that the owner was deceased and an amended petition was filed on December 27, 2019 against the heirs of the estate. The parties continued to negotiate and have reached an agreement for acquisition. The City will acquire the rights of way and temporary construction easements for \$27,982.80 plus closing costs.

The addresses and Bell County Appraisal District ID Numbers of the properties are Poison Oak Road, #152275 and 9100 Poison Oak Road, #152276.

ALIGNMENT WITH ADOPTED PLANS:

Plan	Comments
Strategic Plan	<p>This item supports the City of Temple's Strategic Plan goals of "A City that supports well-managed growth and development to promote a thriving economy" and "Infrastructure and systems that support exceptional services and community growth," as well as the Strategic Plan commitments of "Develop a safe, connected, and well-maintained mobility system that incorporates all modes of travel including vehicular, pedestrian, bicycle, transit, and air," and to "Facilitate high quality, safe, and strategic community growth."</p>

Plan	Comments
Capital Improvement Plan	This item supports the Capital Improvement Plan of identifying large scale projects that repair, maintain, and grow key components of City operations and facilitates improved mobility in an identified area of growth of the City.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BOARDS & COMMISSIONS RECOMMENDATION: This item was not reviewed by any of the official boards and commissions.

FISCAL IMPACT: Funding for the purchase of two rights of way and two temporary construction easements necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$35,000 is available in account 365-3400-531-6886, project 101715.

ATTACHMENTS:
Resolution