

RESOLUTION NO. {{item.custom_tracking_number}}

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING 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.; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is in the design phase for roadway improvements to Poison Oak Road from State Highway 317 to Old Waco Road, which 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;

Whereas, the design requires the acquisition of right of way from thirty-two properties and twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities - one right of way has been donated by Belton Independent School District and the other two remaining properties are owned by the City and the State of Texas (TxDOT);

Whereas, 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;

Whereas, the City has possession or acquired 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 and the remaining rights of way are still in negotiations;

Whereas, 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 and it was discovered that the owner was deceased and an amended petition was filed on December 27, 2019 against the heirs of the estate;

Whereas, the parties continued to negotiate and have reached an agreement for acquisition where 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, Temple (BellCAD ID No. 152275); and
- 9100 Poison Oak Road, Temple (BellCAD ID No. 152276);

Whereas, Staff recommends Council authorize 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.;

Whereas, funding for the purchase of two rights of way and two temporary construction easements is available in Account No. 365-3400-531-6886, Project No. 101715; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes 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..

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 1st day of **October, 2020**.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney