



Legislation Details (With Text)

<b>File #:</b>	20-269	<b>Version:</b>	1
<b>Type:</b>	Consent	<b>Status:</b>	Approved
<b>File created:</b>	6/9/2020	<b>In control:</b>	City Council
<b>On agenda:</b>	6/16/2020	<b>Final action:</b>	6/16/2020
<b>Title:</b>	Consider a resolution authorizing the use of the power of Eminent Domain to acquire Permanent Pedestrian Access Easement and Temporary Construction Easement at 125 Bear Creek Pkwy, W.J. Holland Survey, Abstract No. 692, Lot 1, Block A, Bland Square Addition as necessary the for Bear Creek Parkway and Elm Street/Whitley Road Roundabout Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.		
<b>Attachments:</b>	1. 061620_BCP-Whitley RA Eminent Domain_125 BCP_RESOLUTION, 2. 061620_BCP-Whitley RA Eminent Domain_125 BCP_Exhibit A - Ped Access Easement, 3. 061620_BCP-Whitley RA Eminent Domain_125 BCP_Exhibit B - TCE, 4. 061620_BCP-Whitley RA Eminent Domain_125 BCP_Property Index Map, 5. 061620_BCP-Whitley RA Eminent Domain_125 BCP_Property List		

Date	Ver.	Action By	Action	Result
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**To:** Mark R. Hafner, City Manager

**From:** Alonzo Liñán, P.E., Director of Public Works

**Subject:**

Consider a resolution authorizing the use of the power of Eminent Domain to acquire Permanent Pedestrian Access Easement and Temporary Construction Easement at 125 Bear Creek Pkwy, W.J. Holland Survey, Abstract No. 692, Lot 1, Block A, Bland Square Addition as necessary the for Bear Creek Parkway and Elm Street/Whitley Road Roundabout Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

**Background:**

The design of the Bear Creek Parkway and Elm Street/Whitley Road roundabout project is nearing completion and all Right of Way, Drainage, Pedestrian, Sidewalk and Temporary Construction Easement needs have been identified. Of the eight properties impacted (six property owners), the city has reached concluded negotiations with two properties, is currently in discussion with five properties, and has received no response from the last property. If the City cannot reach a resolution or conclude negotiations with the any of the five properties still in discussion, it may consider Eminent Domain to secure the land. With the unresponsive property, the city will be using Eminent Domain to secure what is needed for the project, unless they respond to the City in a timely manner. As part of that Eminent Domain process, the state requires that before Eminent Domain proceedings are initiated, that formal support of the governing body is publically documented.

A listing and index map of properties affected by the roundabout project and the current disposition of negotiations are attached.

City legal counsel advises that individual authorization for each property is required. In this way, if any of the negotiations fail, then staff would not have to return to the council for additional authorization.

As a result, each property will be acted upon separately.

**Financial Impact:**

Funding is available in the Street System Capital Improvements Program Fund with funding provided by the General Fund.

**Citizen Input/Board Review:**

Not applicable

**Legal Review:**

The City Attorney has reviewed and approved the proposed resolution.

**Alternatives:**

City Council has the following alternatives:

- Approve as submitted
- Approve with changes
- Denial

**Council Action:**

Staff recommends approval of the proposed resolution as presented.