



Legislation Details (With Text)

**File #:** 21-493      **Version:** 1

**Type:** Consent      **Status:** Agenda Ready

**File created:** 7/28/2021      **In control:** City Council

**On agenda:** 8/3/2021      **Final action:**

**Title:** Consider a resolution authorizing the use of the power of Eminent Domain to acquire necessary property at 209 S. Elm St., Samuel Needham Survey Abstract 1171 Tract 12D, as necessary for the Elm St. Improvements Project as part of the overall Old Town Keller Phase II Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

**Attachments:**

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

**From:** Sarah Hensley, Administrative Services Manager

**Subject:**

Consider a resolution authorizing the use of the power of Eminent Domain to acquire necessary property at 209 S. Elm St., Samuel Needham Survey Abstract 1171 Tract 12D, as necessary for the Elm St. Improvements Project as part of the overall Old Town Keller Phase II Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

**Background:**

The reconstruction of Elm St. is proposed for inclusion in the next step of the Old Town Keller Phase II Project. As designed, the reconstruction project will require the city to obtain easements from 10 property owners and initial conversations are underway.

If the City cannot reach a resolution or conclude negotiations with the any of the properties in discussion, it may consider Eminent Domain to secure the land. As part of the Eminent Domain process, the state requires that before Eminent Domain proceedings are initiated, that formal support of the governing body is publically documented.

A map of properties affected by the Elm St. project negotiations is 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 City 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.