



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET FILE ID 22-1513

DEPARTMENT: Development Services, Real Estate

ACM: David Gaines

DATE: August 16, 2022

SUBJECT

Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various (I) permanent water easements (II) permanent wastewater easements, (III) permanent electric easements, and (VI) temporary construction easements, generally located along Interstate 35 North, U.S. Highway 380 (University Drive) to U.S. Highway 77 to Milam Road, situated in the BBB & C RR CO Survey, Abstract No. 141, Ignacio De-Los-Santos Coy Survey, Abstract No. 212, S. Johnson Survey, Abstract No. 683, Alexander White Survey, Abstract No. 1406, John Ayers Survey, Abstract No. 2, Francis Batson Survey, Abstract No. 43, Nathan Wade Survey, Abstract No. 1407, Eugene Puchalski Survey, Abstract No. 996, BBB & C RR CO Survey, Abstract No. 192, all in the City and County of Denton, Texas, and more particularly described in the attached Exhibit "A" (collectively, the "Property Interests"); authorizing the City Manager and City Attorney, to acquire the Property Interests by agreement if possible, including making all offers required by law; authorizing the use of the power of eminent domain to condemn the property interests if agreement cannot be reached; authorizing the City Attorney, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; making findings; providing a savings clause; and providing an effective date.

BACKGROUND

The TxDOT right-of-way expansion and improvement project, Segments CSJ 0195-03-074, CSJ 0195-03-087 and CSJ 0195-03-90, requires the relocation of existing City water and wastewater infrastructure from its current location along the IH-35N frontage road into new easements. The costs to acquire new easements and to relocate the facilities are eligible for State reimbursement.

On January 14, 2020, City Council adopted Ordinance No.20-040 that awarded a contract to Kimley-Horn and Associates to provide for utility conflict, analysis, surveying, easement acquisition and other services in support of the State reimbursable relocation of water and wastewater utilities within the Interstate Highway 35N right-of-way.

To date, Kimley-Horn and Associates, Inc. has identified 44 tracts of land needed within Segments CSJ 0195-03-074, CSJ 0195-03-087 and CSJ 0195-003-090 to relocate the City's utility infrastructure out of the TxDOT IH-35N right-of-way into new easements. Cobb-Fendley & Associates, Inc. is the real estate firm that will be negotiating the acquisitions for the Property Interests. In the event that negotiation efforts fail and an impasse is reached, in order to avoid project delay, the approval of this ordinance will authorize staff to acquire the necessary Property Interests via the exercise of eminent domain, with the landowners being compensated in accordance with state law.

If a Council member determines that he or she has a conflict of interest pursuant to the Ethics Ordinance, he or she may contact the City Attorney's Office to have a Recusal Form prepared prior to consideration of this agenda item.

OPTIONS

1. Approve proposed ordinance
2. Decline to approve proposed ordinance

RECOMMENDATION

Staff recommend approval of the ordinance.

ESTIMATED SCHEDULE OF PROJECT

Construction of the I35N TX DOT Utility Split to Milam Segments CSJ 0195-03-074, CSJ 0195-03-087, and CSJ 0195-03-090 project is scheduled to commence November 2022.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

January 14, 2020, City Council approved Ordinance No. 20-040

January 12, 2021, City Council approved Ordinance No. 21-019

August 3, 2021 City Council approved Ordinance No. 21-1528

FISCAL INFORMATION

The purchase of the Property Interests will be funded from Capital Improvement Plan Engineering account 630440517.1365.30200.

EXHIBITS

- 1 – Agenda Information Sheet
- 2 – Ordinance
- 3 – Recommended Motion
- 4 – Presentation

Respectfully submitted:
Deanna Cody, Deputy Director Real Estate