



City of Denton

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

AGENDA INFORMATION SHEET

DEPARTMENT: Denton Municipal Electric

CM/ DCM/ ACM: Todd Hileman, City Manager

DATE: August 1, 2017

SUBJECT

Consider adoption of an ordinance authorizing the settlement of litigation styled City of Denton, Texas V. Timber Links Apartments, LLC, a Delaware Limited Liability Company, Cause No. PR-2017-00009, currently pending in the probate court of Denton County, Texas, regarding the acquisition of a 2.168 acre electric easement tract for the Spencer to Pockrus Transmission Line Project in the settlement amount of One Hundred Thirty Thousand Dollars and Zero Cents (\$130,000.00), authorizing the City Manager and City Attorney to effectuate the settlement; authorizing the expenditure of funds therefor; providing a savings clause; and providing an effective date. [Spencer to Pockrus TM Line – Timber Links LLC]

BACKGROUND

The Denton Municipal Electric (DME) Capital Improvement Plan includes a project to reconstruct the Mayhill to Pockrus transmission line. The existing capacity is inadequate for expected future load.

The City Council gave authorization to make an initial offer, final offer and if needed, file an eminent domain proceeding on November 8, 2017. Negotiations with the landowner ensued. The City's statutory final offer was not accepted by the landowner and the City filed an eminent domain lawsuit. The Special Commissioner's hearing was held on March 27, 2017. Following the hearing, further negotiations ensued which resulted in the proposed agreement attached as Exhibit 4.

OPTIONS

1. Approve adoption of the ordinance to acquire the subject property
2. Do not approve adoption of the ordinance and provide staff with further direction
3. Table the matter for future action

RECOMMENDATION

Staff recommends approving the adoption of the ordinance to acquire the subject property for the City of Denton.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

- 11/7/16 – Public Utilities Board recommended approval for eminent domain authority
- 11/8/16 – Council approved authorization for eminent domain authority

STRATEGIC PLAN RELATIONSHIP

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and

Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

Related Key Focus Area: Public Infrastructure

Related Goal: 2.3 Promote superior utility services and facilities

EXHIBITS

1. Agenda Information Sheet
2. Ordinance
3. Easement
4. Agreement

Respectfully submitted:
Bryan Langley
Interim General Manager

Prepared by:
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Denton Municipal Electric