



City of Denton

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

AGENDA INFORMATION SHEET

DEPARTMENT: Capital Projects

CM/ DCM/ ACM: Mario Canizares

DATE: October 17, 2017

SUBJECT

Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of (I) a sanitary sewer easement encumbering 0.128 acres, (II) a temporary construction easement encumbering 0.191 acres, (III) a fee simple title to the surface estate, with waiver of surface use related to the mineral estate, of an approximate 1.694 acre tract of real property and (IV) an access and utility easement encumbering 0.186 acres; for the public use of expanding, improving, and maintaining street and drainage in the Hickory Creek watershed related to Bonnie Brae Street and roadway located in County of Denton, Texas, generally located in the 3400 Block of S. Bonnie Brae Street and situated in the S. Pritchett Survey, Abstract No. 1004, and the J. Edmonson Survey, Abstract No. 400, County of Denton, Texas, all as more particularly described on Attachment "1," attached hereto and made a part hereof, (collectively the "Property Interests") authorizing the City Manager and City Attorney, or their respective designees, to acquire the property interests by agreement including making all offers required by law; authorizing the use of the power of eminent domain to condemn the property interests if an agreement cannot be reached; and authorizing the City Attorney, or his designee, to file and prosecute eminent domain proceedings to acquire the Property Interests; authorizing the expenditure of funds therefore; making findings; providing a savings clause; and providing an effective date. (Bonnie Brae Widening and Improvements Project- Parcel 42- Holamon and Hickory Creek Interceptor Phase II Project- Holamon)

BACKGROUND

The Bonnie Brae Widening and Improvements project, Roselawn Street to Vintage Boulevard, has been awarded for construction and is presently underway (the "Road Project").

In the spring of 2007, at the behest of the City of Denton via an off-system project grant funding agreement, TxDOT facilitated the construction of two (2) new bridges in the Hickory Creek watershed along south Bonnie Brae Street, namely one bridge traversing the main Hickory Creek tributary, and another bridge traversing the Dry Fork branch of Hickory Creek. At that time, the scope of construction activities in regard to those two (2) new road bridge installations did not include any significant grading modifications or improvements to the tributaries, either upstream or downstream of each bridge.

As design considerations progressed for the present Road Project, it was determined through the Federal Emergency Management Agency (FEMA) permitting process that the areas under and around the 2007 Bonnie Brae TxDOT bridges would require some limited upstream and downstream grading, so that there could be free conveyance of storm water under the two (2) bridges, along with some concrete riprap/armoring treatments to mitigate the occurrence of erosion, as a component part of the FEMA permit requirements for the Road Project. There is also an existing City of Denton 24-inch waterline situated along

the west side of South Bonnie Brae that will need to be lowered at the creek crossings, to provide for clearance in regard to the contemplated upstream grading activities related to the creeks.

In respect to the Hickory Creek Sanitary Sewer Interceptor project - Phase II (the “SS Project”), this project entails construction of a 36-inch sewer line, to replace the existing 21-inch sewer line that was constructed in the early 1980s. Once the new sewer line is constructed and operational, the existing sewer line will be retired/taken out of service. The sanitary sewer project is a component part of the overall wastewater system improvement program to meet the schedule of activities set out in pending EPA Administrative Order for sustained compliance.

Approval of the subject ordinance authorizes staff to acquire the land rights necessary by negotiations or, after attempts to negotiate have been exhausted, exercise the City’s eminent domain authority to acquire the identified land rights for the project(s) at hand.

OPTIONS

1. Approve the proposed Ordinance.
2. Decline to approve the proposed Ordinance.
3. Table for future consideration.

RECOMMENDATION

Recommend approval of the Ordinance.

ESTIMATED SCHEDULE OF PROJECT

The Bonnie Brae Widening and Improvements project, Roselawn Street to Vintage Boulevard, has been awarded for construction and is presently underway. The contemplated road project related drainage improvements, waterline adjustments, and roadway improvements involving the Holamon property tract are scheduled to commence spring 2018.

The Hickory Creek Sanitary Sewer – Phase II project is scheduled to commence in the fall of 2018.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

No prior action/review in regard to the Holamon Property Tract.

FISCAL INFORMATION

The overall Bonnie Brae Widening and Improvements project is being funded with a combination of Regional Toll Revenue (RTR) funds, Denton County Transportation Road Improvement Program (TRIP ‘08) funds and City of Denton local match funds. The Road Project costs for the Property Interests sought are to be funded through a combination of these funding sources.

Allocated easement acquisition costs for the Hickory Creek Sanitary Sewer Interceptor – Phase II project are to be funded out of JDE account #640306545, set-up for preconstruction costs. The project itself is slated to be funded by utility bond sale, FY 2019.

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: **2.1 Continuously improve the quality of City roadways**

EXHIBITS

1. Agenda Information Sheet
2. Location Map
3. Site Map
4. Recommended Motion
5. Ordinance

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