



City of Denton

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

AGENDA INFORMATION SHEET

DEPARTMENT: Capital Projects/Legal

CM/ DCM/ ACM: Mario Canizares/Aaron Leal

DATE: November 20, 2017

SUBJECT

Consider an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of fee simply title to the surface estate, including a waiver of surface use to the mineral estate of an 18.969 acre property tract ("Property Interests"), situated in the David Hough Survey, Abstract 646, in the City and County of Denton, Texas, and more particularly described in the attached Exhibit "A;" Authorizing the City Manager and City Attorney, or their respective designees, to acquire the Property Interests by agreement including making initial and final offers; 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 eminent domain proceedings if necessary; Authorizing the expenditure of funds; Making findings; Providing a savings clause; and Providing an effective date. (Mayhill Road Project)

BACKGROUND

The Mayhill Road Widening and Improvements Project is presently underway (the "Road Project").

In July 2017, the City hired Todd Estes as City Engineer. In the intervening months, Mr. Estes has reviewed the capital improvement projects being planned and constructed throughout the city, including the Road Project. Mr. Estes determined that in the interest of public welfare and safety, the proposed bridge will provide grade separation between vehicle and rail traffic. Additionally, the road project should include flood control and storm water improvements which were not part of the original road design. The necessary improvements impact property not previously indicated for the Road Project.

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 Road Project 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 Mayhill Road Widening and Improvements Project has been awarded for construction and is presently underway.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Council considered the use of eminent domain authority for the necessary property acquisition during a closed session on November 14, 2017.

FISCAL INFORMATION

The overall Mayhill Road Project is being funded with a combination of Regional Toll Revenue (RTR) funds and is matched by Denton County and City of Denton local funds. The Road Project costs for the Property Interests sought are to be funded through a combination of RTR and City of Denton funding sources.

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. Area Map
3. Tract Map
4. Recommended Motion
5. Ordinance

Respectfully submitted:
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