



Legislation Details (With Text)

**File #:** ID 16-1075    **Version:** 1    **Name:**

**Type:** Ordinance

**File created:** 8/4/2016    **In control:** City Council

**On agenda:** 8/16/2016    **Final action:**

**Title:** Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various permanent easements and temporary construction easements generally located along U.S. Highway 377 (Fort Worth Drive) the limits of which being bounded to the north by Interstate Highway 35 East and to the south by FM 1830 (Country Club Road) and being situated in the A. Hill Survey, Abstract No. 623, the S. Hiram Survey, Abstract 616, the W. Daniel Survey, Abstract 378, the A. Hickman Survey, Abstract 521 and the B.B.B & C.R.R. Survey, Abstract 196, City and County of Denton, Texas, and with the use, purpose and legal descriptions of each easement being more particularly described in the attached Exhibit "A" (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 her designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. [Fort Worth Drive Utility Relocations project] The Public Utilities Board recommends approval (6-0).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1- Location Map, 2. Exhibit 2- Recommended Motion, 3. Exhibit 3-Ordinance

Date	Ver.	Action By	Action	Result
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Agenda Information Sheet

**DEPARTMENT:** Engineering Services

**CM/ ACM:** Jon Fortune

**Date:** August 16, 2016

**SUBJECT**

Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various permanent easements and temporary construction easements generally located along U.S. Highway 377 (Fort Worth Drive) the limits of which being bounded to the north by Interstate Highway 35 East and to the south by FM 1830 (Country Club Road) and being situated in the A. Hill Survey, Abstract No. 623, the S. Hiram Survey, Abstract 616, the W. Daniel Survey, Abstract 378, the A. Hickman Survey, Abstract 521 and the B.B.B & C.R.R. Survey, Abstract 196, City and County of Denton, Texas, and with the use, purpose and legal descriptions of each easement being more particularly described in the attached Exhibit "A" (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 her designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. [Fort Worth Drive Utility Relocations project] The Public Utilities Board recommends approval (6-0).

### **BACKGROUND**

The Texas Department of Transportation (TxDOT) is widening Fort Worth Drive, beginning at IH-35E and extending south approximately 1.7 miles to south of FM 1830 (Country Club Road). The project will increase the mostly two lane roadway section to a six-lane divided arterial. TxDOT has scheduled the widening project to be bid in February 2017. Ninety-Five percent (95%) Plans for the roadway project have been distributed to the affected utility providers; some of whom are already relocating their utilities. City of Denton water and wastewater utility lines must also be relocated out of conflict with the proposed TxDOT improvements. In order to meet the extremely tight schedule of the highway widening project, it is staff's intent that City water and wastewater utility relocations will be incorporated into TxDOT's roadway construction project bid, since there is not enough time to complete plans, obtain easements and construct the utility relocations prior to TxDOT's roadway construction beginning.

Real Estate Division staff is actively assembling Offer to Purchase packages for the landowners, in which the City is seeking to acquire the various easements necessary for the water and sanitary sewer infrastructure relocations.

Staff makes every effort to successfully negotiate easement purchases with landowners in a fair and equitable manner and to the best interests of all parties involved. In the event that negotiation efforts fail and an impasse is reached with a given landowner, in order to avoid delay or loss of the road project funding, this ordinance will authorize staff to acquire the necessary easement rights via the exercise of eminent domain, with the land owner being compensated in accordance with state law.

### **OPTIONS**

1. Approve the proposed ordinance for easement acquisitions.
2. Not approve the proposed ordinance for easement acquisitions.
3. Table for future consideration.

### **RECOMMENDATION**

Staff recommends approval of the ordinance.

### **PRIOR ACTION/REVIEW**

August 8, 2016 - Public Utilities Board recommends approval 6-0

### **ESTIMATED SCHEDULE OF PROJECT**

The City must complete design and easement acquisitions by the end of December 2016, to allow TxDOT to meet their schedule of bidding the project in February 2017.

### **FISCAL INFORMATION**

Water Utilities project account number 630264520.1360.30200 and Wastewater Utilities project account number 640052545.1360.30200 will be utilized for this project.

### **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 Optimize resources to improve quality of City Roadways**

**EXHIBITS**

1. Location Map
2. Recommended Motion
3. Ordinance

Respectfully submitted:  
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Director Engineering Services

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Real Estate Manager