



Legislation Details (With Text)

**File #:** ID 16-1132    **Version:** 1    **Name:**  
**Type:** Ordinance  
**File created:** 8/26/2016    **In control:** City Council  
**On agenda:** 9/13/2016    **Final action:**  
**Title:** Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Legal Services Agreement with the law firm of Baker Moran Doggett Ma & Dobbs LLP, Plano, Texas for professional legal services regarding condemnation matters related to the Mayhill Road Widening and Improvements Project; providing for the expenditure of funds therefor; and providing an effective date (File 5326-awarded to Baker Moran Doggett Ma & Dobbs LLP in the not-to-exceed amount of \$700,000).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** , ,

Date	Ver.	Action By	Action	Result
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**AGENDA INFORMATION SHEET**

**DEPARTMENT:** Materials Management

**ACM:** Bryan Langley

**AGENDA DATE:** September 13, 2016

**SUBJECT**

Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Legal Services Agreement with the law firm of Baker Moran Doggett Ma & Dobbs LLP, Plano, Texas for professional legal services regarding condemnation matters related to the Mayhill Road Widening and Improvements Project; providing for the expenditure of funds therefor; and providing an effective date (File 5326-awarded to Baker Moran Doggett Ma & Dobbs LLP in the not-to-exceed amount of \$700,000).

**BACKGROUND**

The City of Denton is in the process of prosecuting outstanding condemnation cases involving the land rights sought for the Mayhill Road Widening and Improvements project. The geographical limits of the project are U.S. Highway 380 south to Interstate Highway 35 East (the "Project"). Of the 44 land tracts affected by the Project, the amount of just compensation remains to be determined regarding two (2) landowners- 551 Mayhill Joint Venture and RTS & M, LLC. Special Commissioner's hearings were carried out for both landowners, monetary awards were deposited in the registry of the Court for each, and the City now has possession of the necessary land rights tracts. The respective landowners have filed objections with the Court seeking jury trails for determinations of damages, which are tentatively scheduled for the first quarter of 2017.

On April 2, 2013, the firm of Burford & Ryburn was engaged by the City to perform the eminent domain litigation associated with the Project (Exhibit 1). Scott Doggett and Preston Dobbs, partners of that firm, provided the majority of the outside counsel work necessary to achieve settlements across the Project, as needed.

In April of 2015, Mr. Doggett and Mr. Dobbs left the firm of Burford & Ryburn and are now both employed with, and partners of, Baker Moran Doggett Ma & Dobbs LLP, Plano, Texas. At client election, it was desired that Scott Doggett and Preston Dobbs continue to represent the City, and by that election, all outstanding cases relating to the Project were transferred to that firm, inclusive of the 551 Mayhill Joint Venture and RTS & M, LLC matters. The contract amount for the original engagement for outside counsel legal services was estimated at \$718,000. This amount has been exhausted in May 2016. At the outset of this project, the not-to-exceed amount was established by conservative analysis, to be revisited if circumstances warranted, especially if the prosecution of civil trials were to come into play.

The ongoing prosecution of the pending Mayhill Road lawsuits within the civil trial phase for each has required the accrual of additional legal expenses. Those legal expenses being approximately \$150,000 beyond the original contract amount to date. Of those additional legal expenses, approximately \$50,000 is attributed to the preparation and analysis by expert witnesses for the purposes of the forthcoming trials.

#### **RECOMMENDATION**

Staff recommends the award of a Professional Legal Services agreement with Baker Moran Doggett Ma & Dobbs LLP, Plano, Texas in order to carry out the legal services, inclusive of experts, necessary to complete the prosecution of the outstanding litigation regarding 551 Mayhill Joint Venture and RTS & M, LLC.

#### **ESTIMATED SCHEDULE OF PROJECT**

The bid letting for the Mayhill Road Widening and Improvement project is tentatively slated for October 2016.

#### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

The original engagement letter for legal services with Burford and Ryburn in the amount of \$718,000 was approved on April 2, 2013-Ordinance 2013-088.

#### **FISCAL INFORMATION**

The overall Mayhill Road 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. Litigation costs associated with the necessary land rights being sought will be funded through a combination of these 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 Optimize resources to improve quality of City Roadways**

**EXHIBITS**

Exhibit 1: Original Engagement Letter

Exhibit 2: Ordinance

Exhibit 3: Contract

Respectfully submitted:  
Chuck Springer, 349-8260  
Director of Finance

For information concerning this acquisition, contact: Paul Williamson at 349-8921.