



Legislation Details (With Text)

**File #:** ID 17-648      **Version:** 1      **Name:**  
**Type:** Ordinance  
**File created:** 5/9/2017      **In control:** City Council  
**On agenda:** 5/23/2017      **Final action:** 5/23/2017  
**Title:** Consider adoption of an ordinance authorizing the City Manager of the City of Denton, Texas (“City”) to execute, for and on behalf of the City, an easement purchase agreement (“Agreement”), as attached hereto and made a part hereof as Exhibit “A,” for the purchase price of One Hundred Sixty-Three Thousand Six Hundred Twenty-Four Dollars and No Cents (\$163,624.00), and other consideration, as prescribed in the Agreement by and between the City and VMY Properties, LLC providing for the granting to the City of a water and sanitary sewer easement, encumbering a 0.1279 acre tract of land being more particularly described in the Water and Sanitary Sewer Easement, being attached to and made a part of the Agreement, said easement tract being in the Stephen Hembrie Survey, Abstract No. 643, generally located in the 3900 block of Teasley Lane; authorizing the expenditure of funds, providing a savings clause; and providing an effective date. (FM 2181 Utility Relocations Project - Parcel 37)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Location Map - Parcel 37 VMY, 2. Exhibit 2 - Site Map - Parcel 37 VMY, 3. Exhibit 3 - Ordinance - Parcel 37 - VMY Easement Purchase Agreement

Date	Ver.	Action By	Action	Result
5/23/2017	1	City Council	approved on the Consent Agenda	Pass

**Agenda Information Sheet**

**DEPARTMENT:** Water and Waste Water

**CM/ ACM:** Bryan Langley

**Date:** May 23, 2017

**SUBJECT**

Consider adoption of an ordinance authorizing the City Manager of the City of Denton, Texas (“City”) to execute, for and on behalf of the City, an easement purchase agreement (“Agreement”), as attached hereto and made a part hereof as Exhibit “A,” for the purchase price of One Hundred Sixty-Three Thousand Six Hundred Twenty-Four Dollars and No Cents (\$163,624.00), and other consideration, as prescribed in the Agreement by and between the City and VMY Properties, LLC providing for the granting to the City of a water and sanitary sewer easement, encumbering a 0.1279 acre tract of land being more particularly described in the Water and Sanitary Sewer Easement, being attached to and made a part of the Agreement, said easement tract being in the Stephen Hembrie Survey, Abstract No. 643, generally located in the 3900 block of Teasley Lane; authorizing the expenditure of funds, providing a savings clause; and providing an effective date. (FM 2181 Utility Relocations Project - Parcel 37)

**BACKGROUND**

The Texas Department of Transportation (TxDOT) is widening FM 2181, beginning at Lillian Miller Parkway and extending south approximately 3.5 miles to the southeastern boundary of Hickory Creek Mobile Home Park (the Project). The Project will increase the roadway section to a six-lane divided arterial. In order to meet the schedule of the highway widening project, the City of Denton's Water and Wastewater utility relocations are being incorporated into TxDOT's roadway construction project bid, as a utility relocation component.

The utility relocation component of the overall Project requires the acquisition of a permanent easement to encumber a tract of land owned by VMY Properties, LLC. The utility design impact on the landowner's property requires the removal of two (2) existing business signs from the proposed easement tract and the rearrangement of the landowner's private sanitary sewer service line along their Teasley Lane frontage.

Ongoing negotiations with the affected property owner for the purchase of the subject easement have continued over the course of the last several months, with optimism between the parties that a settlement could be reached in advance of any formal legal proceedings. The captioned purchase amount represents a proposed settlement of the matter, subject to City Council's approval.

Approval of the subject ordinance authorizes staff to proceed with closing the easement purchase transaction with the affected property owner.

### **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**

TxDOT has scheduled the highway widening project (inclusive of City of Denton utility relocations) to be bid in July 2017.

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

November 8, 2016 - Ordinance 2016-361: FM 2181 Utility Relocations project (ordinance determining public use and necessity, authorizing offer(s) and use eminent domain if agreement(s) cannot be reached)

### **THE FISCAL INFORMATION**

Water Utilities project account number 63081523.1365.30200 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. Site Map
3. Ordinance

Respectfully submitted:  
Galen Gillum  
Interim Director of Capital Projects

Prepared by:  
Paul Williamson  
Real Estate Manager