



Legislation Details (With Text)

File #: ID 14-0532 **Version:** 1 **Name:**

Type: Ordinance

File created: 8/29/2014 **In control:** City Council

On agenda: 9/16/2014 **Final action:**

Title: Consider adoption of an ordinance finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain (i) fee simple to an approximate 1.074 acre tract (the "Substation Tract") located in the W. Roark Survey, Abstract No. 1087 and the J. Severe Survey, Abstract No. 1164, both in Denton County, Texas, located generally along the east line of U. S. Highway 377 adjacent to and east of the Fort Worth Drive Substation Addition, and (ii) fee simple to an approximate 0.627 acre tract (the "Pump Station Tract") located in the B.B.B. & C. R. R. Co. Survey, Abstract No. 196 and the J. W. Withers Survey, Abstract No. 1343, both in Denton County, Texas, generally located west and adjacent to the G. C. & S. F. Railroad right of way and running to the west right of way line of F. M. Highway 1830, and (iii) an approximate 0.476 acre ingress and egress easement tract located in the J. Severe Survey, Abstract No. 1164, Denton County, Texas, located generally along the east line of U. S. Highway 377 adjacent to and south of the Fort Worth Drive Substation Addition, Denton County, Texas, and (iv) an approximate 1.802 acre electric utility and communication easement located in the W. Roark Survey, Abstract No. 1087, Denton County, Texas, located generally east of the Ft. Worth Drive Substation Addition and running to the west line of a tract of land owned by City of Denton, Texas, called 37.95 acres in Deed recorded in Instrument Number 2014-68891, Deed Records, Denton County, Texas, (the "City tract") and (v) an approximate 1.793 acre temporary construction and access easement located in the W. Roark Survey, Abstract No. 1087, Denton County, Texas, located generally north of and adjacent to 1.802 acre tract; for (A) as concerns the Substation Tract, ingress and egress easement, electric utility and communication easement and the temporary construction and access easement, the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, facilities, and structures; and (B) as concerns the Pump Station Tract, the public use of a wet weather pump station and detention facility project (the "Hickory Creek Detention Facility"); as attached to the ordinance and made a part thereof (I) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (II) authorizing the expenditure of funds therefore; (III) making findings; (IV) providing a savings clause; and (V) providing an effective date. (Denton Municipal Electric Fort Worth T1 Addition Expansion, Denton Municipal Electric Fort Worth Drive and FM 1830 Distribution, and Hickory Creek Detention Facility projects: Burch Family Farms Ltd.)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Location Map, 2. Exhibit 2 - Ordinance

Date	Ver.	Action By	Action	Result
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Agenda Information Sheet

DEPARTMENT: Denton Municipal Electric

ACM: Howard Martin, Utilities 349-8232

DATE: September 16, 2014

SUBJECT

Consider adoption of an ordinance finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain (i) fee simple to an approximate 1.074 acre tract (the “Substation Tract”) located in the W. Roark Survey, Abstract No. 1087 and the J. Severe Survey, Abstract No. 1164, both in Denton County, Texas, located generally along the east line of U. S. Highway 377 adjacent to and east of the Fort Worth Drive Substation Addition, and (ii) fee simple to an approximate 0.627 acre tract (the “Pump Station Tract”) located in the B.B.B. & C. R. R. Co. Survey, Abstract No. 196 and the J. W. Withers Survey, Abstract No. 1343, both in Denton County, Texas, generally located west and adjacent to the G. C. & S. F. Railroad right of way and running to the west right of way line of F. M. Highway 1830, and (iii) an approximate 0.476 acre ingress and egress easement tract located in the J. Severe Survey, Abstract No. 1164, Denton County, Texas, located generally along the east line of U. S. Highway 377 adjacent to and south of the Fort Worth Drive Substation Addition, Denton County, Texas, and (iv) an approximate 1.802 acre electric utility and communication easement located in the W. Roark Survey, Abstract No. 1087, Denton County, Texas, located generally east of the Ft. Worth Drive Substation Addition and running to the west line of a tract of land owned by City of Denton, Texas, called 37.95 acres in Deed recorded in Instrument Number 2014-68891, Deed Records, Denton County, Texas, (the “City tract”) and (v) an approximate 1.793 acre temporary construction and access easement located in the W. Roark Survey, Abstract No. 1087, Denton County, Texas, located generally north of and adjacent to 1.802 acre tract; for (A) as concerns the Substation Tract, ingress and egress easement, electric utility and communication easement and the temporary construction and access easement, the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, facilities, and structures; and (B) as concerns the Pump Station Tract, the public use of a wet weather pump station and detention facility project (the “Hickory Creek Detention Facility”); as attached to the ordinance and made a part thereof (I) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (II) authorizing the expenditure of funds therefore; (III) making findings; (IV) providing a savings clause; and (V) providing an effective date. (Denton Municipal Electric Fort Worth T1 Addition Expansion, Denton Municipal Electric Fort Worth Drive and FM 1830 Distribution, and Hickory Creek Detention Facility projects: Burch Family Farms Ltd.)

BACKGROUND

Ongoing negotiations with the affected property owner for the subject land rights necessary for the Denton Municipal Electric Fort Worth T1 Addition Expansion, Denton Municipal Electric Fort Worth Drive and FM 1830 Distribution, and Hickory Creek Detention Facility projects: have reached an impasse.

Approval of the subject ordinance authorizes staff to acquire the land rights necessary by way of exercising the City’s eminent domain authority.

OPTIONS

1. Recommend approval of the proposed Ordinance.
2. Recommend to decline to approve the proposed Ordinance.
3. Table for future consideration.

RECOMMENDATION

Recommend approval of the Ordinance.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

PUB - September 8, 2014 (Recommend approval of Ordinance, Vote 5-0)

City Council - July 5, 2014 (Final Offer to Purchase Ordinance 2014-235)
City Council - June 17, 2014 (Offer to Purchase Ordinance 2014-185)
PUB - June 9, 2014, Consent Agenda (Offer to Purchase recommendation)

FISCAL INFORMATION

The 1.074 acre fee Substation Tract, 0.476 acre ingress egress easement, 1.802 acre electric utility and communication easement and the 1.793 acre temporary construction and access easement are being funded by issuing General Obligation Bonds which will be paid by Transmission Revenue received from all other electric utilities who are members of the Electric Reliability Council of Texas (ERCOT).

The 0.627 acre Pump Station Tract is being funded by Wastewater capital project bonds allocated for the Graveyard Branch Lift Station and Force Main Project.

BID INFORMATION

Not applicable

EXHIBITS

1. Location Map
2. Ordinance

Respectfully submitted:
Phillip Williams
General Manager, Electric Administration
Denton Municipal Electric

Prepared by:
LuAnne Oldham
Real Estate Specialist