



## Legislation Details (With Text)

**File #:** ID 17-330      **Version:** 1      **Name:**

**Type:** Ordinance

**File created:** 2/28/2017      **In control:** City Council

**On agenda:** 3/7/2017      **Final action:**

**Title:** Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of a public water line easement encumbering a 0.148 acre tract of real property, as more particularly described in Exhibit "A", attached hereto and made a part hereof (the "Property Interests"), being generally located along the 3000 block of South Interstate Highway 35 East and situated in the D. Lombard Survey, Abstract No. 784, City and County of Denton, Texas; 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 his designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. (TxDOT I-35 E Grade Separation Project - water utility relocation component)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Location Map -, 2. Exhibit 2 - Site Map, 3. Exhibit 3 - Recommended Motion, 4. Exhibit 4 - Ordinance

Date	Ver.	Action By	Action	Result
3/7/2017	1	City Council	adopted	

## Agenda Information Sheet

**DEPARTMENT:** Engineering Services

**CM/ ACM:** Jon Fortune

**Date:** March 7, 2017

### SUBJECT

Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of a public water line easement encumbering a 0.148 acre tract of real property, as more particularly described in Exhibit "A", attached hereto and made a part hereof (the "Property Interests"), being generally located along the 3000 block of South Interstate Highway 35 East and situated in the D. Lombard Survey, Abstract No. 784, City and County of Denton, Texas; 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 his designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. (TxDOT I-35 E Grade Separation Project - water utility relocation component)

### BACKGROUND

As a component of TxDOT's I-35 E Grade Separation Project, an existing City of Denton 14-inch diameter water main is being relocated and upsized to a 20-inch diameter water main, outside of TxDOT right-of-way, within easements. Approximately 2,400 lineal feet of 20-inch water main is slated for construction, the limits of which being the Goodwill Store property in the 2500 block of South I-35 E, extending southeasterly along the highway, to the My Flooring America property tract, in the 3000 block. In August 2016, by recordation of the final plat of the Buc-ee's #39 Subdivision Addition, the bulk of the easement needed to accommodate the relocation of water line was dedicated by that platting activity. The 0.148 acre water line easement being sought for acquisition is necessary to complete water main transition work and valve works between the new 20-inch water main and the segment of the 14-inch water main slated to continue in service, along the Achiever's Gymnastics highway frontage.

### **OPTIONS**

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

### **RECOMMENDATION**

Staff recommends approval of the ordinance.

### **ESTIMATED SCHEDULE OF PROJECT**

The TxDOT I-35 E Grade Separation Project is presently underway. The timing of the contemplated water line utility relocation work within the identified 0.148 acre tract is dependent on the acquisition of the subject water line easement rights by the City, either by negotiated settlement or eminent domain proceedings.

### **FISCAL INFORMATION**

Water Utilities project account number 630363523 will be utilized for the water line relocation component of the TxDOT project, inclusive of easement acquisition procurement costs.

### **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. Recommended motion
4. Ordinance

Respectfully submitted:  
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Director Engineering Services

Prepared by:

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Real Estate Manager