



Legislation Details (With Text)

File #: PUB17-172 **Version:** 1 **Name:**

Type: Public Utilities Board

File created: 7/28/2017 **In control:** Public Utilities Board

On agenda: 9/11/2017 **Final action:**

Title: Consider recommending an ordinance authorizing the City Manager of the City of Denton, Texas ("City") to execute, for and on behalf of the City, an Easement Grant and Abandonment Agreement ("Agreement"), as attached thereto and made a part thereof as Exhibit "A", by and between the City and JNJ Prominence Square, LP ("Landowner"), providing for (I) the grant to the City of three (3) Sanitary Sewer Easements, encumbering a 0.545 acre tract, a 0.414 acre tract and a 0.132 acre tract being more particularly described in the Sanitary Sewer Easements, being attached to and made a part of the Agreement; and (II) two (2) Temporary Construction Easements encumbering a 0.570 acre tract of land and a 0.417 acre tract of land being more particularly described in the Temporary Construction Easements, being attached to and made a part of the Agreement; and (III) the Abandonment and Release by the City of that certain Sanitary Sewer Easement, dated on November 9, 1972, from 288 Junction to the City, recorded in Volume 659, Page 569, Deed Records, Denton County, Texas, and the Abandonment and Release of a portion of that certain Public Utility Easement, dated November 6, 1997 from 288 Junction to the City, recorded as Document Number 97-082593, Real Property Records, Denton County, Texas, all tracts of real property being situated in the William Lloyd Survey, Abstract No. 774 and the M.E.P. & P.R.R. Survey, Abstract 1469, generally located in the 1400 block of North Loop 288; and (IV) the construction by the City of Denton of approximately 383 linear feet of 15-inch sanitary sewer line valued at \$58,000 for the benefit of the Landowner; providing a savings clause; and providing an effective date. (Cooper Creek I Sanitary Sewer Interceptor project - Parcel 3 - JNJ Prominence Square)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1- Location Map, 2. Exhibit 2- Site Map, 3. Exhibit 3- Ordinance, 4. Exhibit 4- Funding Source

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Agenda Information Sheet

DEPARTMENT: Wastewater

CM/ ACM: Mario Canizares

Date: September 11, 2017

SUBJECT

Consider recommending an ordinance authorizing the City Manager of the City of Denton, Texas ("City") to execute, for and on behalf of the City, an Easement Grant and Abandonment Agreement ("Agreement"), as attached thereto and made a part thereof as Exhibit "A", by and between the City and JNJ Prominence Square, LP ("Landowner"), providing for (I) the grant to the City of three (3) Sanitary Sewer Easements, encumbering a 0.545 acre tract, a 0.414 acre tract and a 0.132 acre tract being more particularly described in the Sanitary

Sewer Easements, being attached to and made a part of the Agreement; and (II) two (2) Temporary Construction Easements encumbering a 0.570 acre tract of land and a 0.417 acre tract of land being more particularly described in the Temporary Construction Easements, being attached to and made a part of the Agreement; and (III) the Abandonment and Release by the City of that certain Sanitary Sewer Easement, dated on November 9, 1972, from 288 Junction to the City, recorded in Volume 659, Page 569, Deed Records, Denton County, Texas, and the Abandonment and Release of a portion of that certain Public Utility Easement, dated November 6, 1997 from 288 Junction to the City, recorded as Document Number 97-082593, Real Property Records, Denton County, Texas, all tracts of real property being situated in the William Lloyd Survey, Abstract No. 774 and the M.E.P. & P.R.R. Survey, Abstract 1469, generally located in the 1400 block of North Loop 288; and (IV) the construction by the City of Denton of approximately 383 linear feet of 15-inch sanitary sewer line valued at \$58,000 for the benefit of the Landowner; providing a savings clause; and providing an effective date. (Cooper Creek I Sanitary Sewer Interceptor project - Parcel 3 - JNJ Prominence Square)

BACKGROUND

The Cooper Creek I Sanitary Sewer Interceptor project (the Project), being an in-process City public works project to improve wastewater system capacity within the Cooper Creek sewershed, requires easements from the affected subject landowner, JNJ Prominence Square, LP. Once the new sanitary sewer infrastructure is put into service (84-inch sanitary sewer line), existing segments of the old sewer line are to be retired and the respective easements encumbering the landowner's property can be abandoned. Specifically, the Project requires the acquisition of two permanent Sanitary Sewer Easement tracts to accommodate the installation of the City's proposed sanitary sewer facilities, a 0.545 acre tract and 0.414 acre tract, and temporary construction easements to provide for contractor workspace.

Presently, JNJ Prominence Square, LP is undertaking site preparation for pad site development of their property tract. Relocation of approximately 383 linear feet of 15-inch sanitary sewer line is necessary, as a component of their development plans.

During the initial engagement with the landowner for the acquisition of the easements required for the City's Project, an overall settlement scenario was developed in which the City would take on the construction of the landowner's 15-inch sanitary sewer line installation, as a part of the overall Agreement. The proposed Agreement provides for abandonment and release of those portions of the existing easements encumbering the JNJ Prominence Square LP property tract in exchange for the granting of alternative easements upon the landowner's property and the construction by the City of approximately 383 linear feet of 15-inch sanitary sewer line, for the benefit of the landowner's development plans. The abandonment tract(s) are to be released upon the completion and acceptance by the City of Denton of the installation of the public improvements contemplated by the Cooper Creek I Sanitary Sewer Interceptor project and the prospective 15-inch sanitary sewer add-on segment. Based on recent project bid tabulations for like 15-inch sanitary sewer line installations, a nominal cost of \$150 per linear foot is anticipated, ostensibly a \$58,000 probable cost to the overall Project bid.

The subject Agreement is considered equitable settlement with the affected landowner in that the City is being able to acquire the necessary easements to advance the letting schedule of the City's Project, effectively for an overall purchase price of the cost of the above-mentioned 15-inch sanitary sewer line segment. The easement abandonment elements of the Agreement are of a housekeeping nature in that the location of those segments of easements slated for abandonment and release are situated within the floodway/floodplain of Cooper Creek, undevelopable areas.

OPTIONS

1. Recommend the proposed Ordinance

2. Decline to recommend the proposed Ordinance
3. Table for future consideration

RECOMMENDATIONS

Staff recommends support of the Ordinance.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

No prior action or review performed. Project delivery schedule dictates consideration by City Council on September 12, 2017.

THE FISCAL INFORMATION

The funding allocated for the Cooper Creek Interceptor I Project is included in Revenue Funds outlined within the Exhibit 4 attachment.

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): Organization 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 DFA and goal:

Related Key Focus Area: Public Infrastructure
Related Goal: 2.3 Promote superior utility services and facilities

EXHIBITS

1. Location Map
2. Site Map
3. Ordinance
4. Funding Source

Respectively submitted
P. S. Arora, P. E.
General Manager Wastewater Utilities

Prepared by,
Ed Cropp
Senior Real Estate Analyst