



Legislation Text

File #: ID 14-0557, **Version:** 1

Agenda Information Sheet

DEPARTMENT: Engineering Services

CM/ ACM: Jon Fortune

Date: September 16, 2014

SUBJECT

Consider adoption of an ordinance authorizing the City Manager or his designee to execute a Purchase Agreement, by and between the City of Denton, Texas ("City"), as buyer, and Habib Pyarali Arab ("Owner"), as seller, to acquire (I) fee simple title to a 1.398 acre tract; and (II) a slope easement encumbering a 0.151 acre tract, both tracts located in the M.E.P. & P.R.R. Survey, Abstract No. 1469, City of Denton, Denton County, Texas, and being generally located in the 1500 block of North Mayhill Road (the "Property Interest"); for the purchase price of Two Hundred Eighty Seven Thousand Nine Hundred Dollars and No Cents (\$287,900.00), and other consideration, as prescribed in the Purchase Agreement (the "Agreement"), as attached to the ordinance and made a part thereof as Exhibit "A", authorizing the expenditure of funds therefor; and providing an effective date. (Mayhill Road Widening and Improvements Project: Parcel M026 - Habib Pyarali Arab)

BACKGROUND

In January and March 2014 respectively, initial and final Offer(s) to Purchase were delivered to the property owner, Mr. Arab, in the amount of \$230,320.00 for the property interests, based upon an appraisal obtained by the City. Thereafter, several attempts to negotiate the offer were made by the City's land rights procurement consultant, without success.

Negotiations dialogue between the parties did ramp up as preparations were underway in advance of an eminent domain hearing scheduled for September 11, 2014. A meeting occurred on September 4, 2014 among staff, the property owner and his attorney, in hopes of seeking a settlement ahead of any formal proceedings. A proposed settlement in the amount provided above was reached, subject to Council approval.

Approval of the ordinance authorizes staff to close the purchase transaction with the property owner, as final settlement of the matter.

OPTIONS

1. Approve the proposed ordinance.
2. Decline to approve the proposed ordinance.
3. Table for future consideration.

RECOMMENDATION

Recommend approval of the ordinance.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council, June 17, 2014 (Eminent Domain Ordinance 2014-187)

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. The recommended settlement amount is \$287,900.00, plus closing costs, as prescribed in the Agreement.

EXHIBITS

1. Location Map
2. Ordinance

Respectfully submitted:
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Director, Engineering Services

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