



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

District I

Item Creation Date: 7/21/2021

HPW20JWL01 TRANSPORTATION AND DRAINAGE OPERATIONS FACILITY PROJECT

Agenda Item#:

Background:

SUBJECT: An ordinance for the TRANSPORTATION AND DRAINAGE OPERATIONS FACILITY PROJECT be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation.

RECOMMENDATION: (Summary) An ordinance for the TRANSPORTATION AND DRAINAGE OPERATIONS FACILITY PROJECT be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation.

SPECIFIC EXPLANATION: This project requires the acquisition of two tracts of land, in fee, for the TRANSPORTATION AND DRAINAGE OPERATIONS FACILITY PROJECT (the Project), located at the 5000 block of north McCarty Street. The Project will serve as a new facility site to accommodate personnel from the Stormwater Maintenance service section, which oversees storm drainage infrastructure including maintenance and rehabilitation projects, as well as management of Houston's stormwater system, roadside and off-roadside ditches, detention basins and stormwater pump stations. Additionally, the site will indirectly support all other core service sections of TDO, including Customer Service, Project Delivery, Street and Bridge Maintenance, Traffic Operations, Traffic Management, and Infrastructure Planning.

This project will allow TDO to consolidate equipment and personnel from various facilities throughout the City, and gain synergies from a neighboring TDO facility located at 5500 McCarty Street.

This action authorizes payment for costs of land purchases/condemnations, relocation assistance expenses, appraisal fees, title policies/services, recording fees and other acquisition costs in connection with negotiations to settle purchases; finds a public necessity for the project; and approves and authorizes the condemnation of the land and improvements thereon. If negotiations to acquire the property cannot be concluded as a dedication or purchase or for any reason for which acquisition by condemnation is warranted, this action authorizes the City Attorney to file or cause Eminent Domain proceedings to be filed and acquire land, rights-of-way and/or easements for said purposes and authorizes payment for the Award of Special Commissioners and court costs associated with condemnation proceedings. Parcels with a consideration that exceeds the spending authority threshold set by State law will be submitted to City Council as they are finalized. This will expedite the process of acquiring land, rights-of-way and/or easements in support of the TRANSPORTATION AND DRAINAGE OPERATIONS FACILITY PROJECT.

DocuSigned by:

Carol Haddock 10/29/2021

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Carol Ellinger Haddock, P.E., Director
Houston Public Works

Prior Council Action:

Ordinance 2019-0931, passed November 20, 2019

Amount and Source of Funding:

No additional funding required. (Funds were appropriated under Ordinance 2019-0931)

Contact Information:

Marjorie L. Cox
Assistant Director – Real Estate Services
Phone: (832) 395-3130

ATTACHMENTS:

Description	Type
Location Map	Backup Material
Property Exhibits and Descriptions	Backup Material
Ordinance 2019-0931 w/cover sheet	Backup Material

City of Houston, Texas, Ordinance No. 2021- 986

AN ORDINANCE FINDING AND DETERMINING PUBLIC CONVENIENCE AND NECESSITY FOR THE ACQUISITION OF REAL PROPERTY INTERESTS IN CONNECTION WITH THE PUBLIC IMPROVEMENT PROJECT KNOWN AS THE TRANSPORTATION AND DRAINAGE OPERATIONS FACILITY PROJECT; AUTHORIZING THE ACQUISITION OF FEE SIMPLE INTEREST TO TWO PARCELS OF LAND REQUIRED FOR THE PROJECT AND SITUATED IN THE REELS AND TROBOUGH SURVEY, ABSTRACT NO. A-59, IN HARRIS COUNTY, TEXAS, SAID PARCELS OF LAND BEING LOCATED AT 5216 AND 5202 NORTH MCCARTY STREET, IN HOUSTON, HARRIS COUNTY, TEXAS, BY GIFT, DEDICATION, PURCHASE AND THE USE OF EMINENT DOMAIN AND FURTHER AUTHORIZING PAYMENT OF THE COSTS OF SUCH PURCHASES AND/OR EMINENT DOMAIN PROCEEDINGS AND ASSOCIATED COSTS FOR RELOCATION ASSISTANCE, APPRAISAL FEES, TITLE POLICIES/SERVICES, RECORDING FEES, COURT COSTS, AND EXPERT WITNESS FEES IN CONNECTION WITH THE ACQUISITION OF FEE SIMPLE INTEREST TO THE TWO PARCELS OF LAND REQUIRED FOR THE PROJECT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City Council of the City of Houston, Texas, deems it necessary, proper and in the best interests of the public to acquire by gift, dedication, purchase, or if necessary, to authorize the use of eminent domain to acquire, real property interests in certain real property located in Harris County, Texas, as described in Exhibits "A", and "B" attached hereto, for the Transportation and Drainage Operations Facility Project (the "Project"); and

WHEREAS, the Project is needed to accommodate Houston Public Works Transportation and Drainage Operations ("TDO") personnel and equipment, as the primary occupant will be TDO Stormwater Maintenance which manages the operations, maintenance, repairs, and rehabilitation of the City's roadside ditches, detention basins, and pump stations; and

WHEREAS, the needed properties will also aid in the support of all other core services of TDO, including infrastructure planning, project delivery, street and bridge maintenance, traffic management, traffic operations, and customer service; and

WHEREAS, the City Council finds that a public necessity and convenience exists for the acquisition of the real property described in Exhibits "A" and "B", for the above stated purpose in furtherance of the Transportation and Drainage Operations Facility Project and in accordance with the Project plans; and

WHEREAS, the record vote of City Council pertaining to this ordinance applies to the units of property described in Exhibits "A" and "B"; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the City Council of the City of Houston, Texas, hereby ratifies, confirms and adopts the finding and recitals contained in the preamble to this Ordinance and further finds that the finding and recitals are true and correct and declares:

(a) that public convenience and necessity requires the subject Project and necessitates the acquisition of a certain tracts of real property in fee simple interest to the lands described in Exhibits "A" and "B", together with any improvements situated thereon; and,

(b) that the plans for the Transportation and Drainage Operations Facility Project are hereby approved and being finalized and will be filed with Houston Public Works and made available for review by the public.

Section 2. That the City Council also hereby approves and authorizes the fee simple acquisition of real property by gift, dedication or purchase for and in connection with the Project.

Section 3. That the City Council further hereby approves and authorizes the use of eminent domain to acquire fee simple interest in the real property described in Exhibits "A" and "B", and in connection with the Project. The City Attorney is hereby authorized and directed to file, or cause to be filed, proceedings in Eminent Domain to acquire fee simple interest in the real property described in Exhibits "A" and "B", that cannot be acquired by gift, dedication or purchase. The City Attorney is also authorized to deposit the sum of money equal to the amount of the Award of Special Commissioners into the registry of the Court and pay all costs and expenses associated therewith in any eminent domain action filed to acquire the needed real property, without further authorization from City Council.

Section 4. That the City Council hereby approves and authorizes the payment of all the costs associated with the acquisition of the real property described in Exhibits "A" and "B" for and in connection with the Project, including but not limited to the costs of purchases or, if necessary, eminent domain proceedings including settlements thereof, relocation assistance expenses, appraisal fees, title policies/services, recording fees, court costs and expert witness fees, without further authorization from City Council.

Section 5. That the City Council hereby approves and authorizes the contracts, agreements or other undertakings required to carry out the purposes described in the title of this Ordinance and in connection with the Project, including the negotiation and

settlement of any eminent domain proceedings filed as authorized herein, in the form approved by the City Attorney from time to time. The Mayor (or in the absence of the Mayor, the Mayor Pro Tem) is hereby authorized to execute such documents in connection with the Project and take all actions necessary to effectuate the City's intent and objectives in approving such contracts, agreements or legal proceedings, or other undertakings in the event of changed circumstances. The City Secretary (or, in the absence of the City Secretary, any Assistant City Secretary) is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents. The City Attorney is hereby authorized and directed to take all action necessary to enforce legal obligations under said contracts, agreements, legal proceedings or other undertakings including the negotiation and settlement of any eminent domain proceedings filed as authorized herein and the payment of any settlement funds associated therewith, without further authorization from City Council.

Section 6. That the City of Houston's Public Works Department, the City Attorney, the City Secretary, the City Controller, or their agents be and they are hereby authorized and directed to perform any and all acts within their respective spheres of official duties toward the final acquisition of those certain tracts of real property described in Exhibits "A" and "B" without further authorization from City Council.

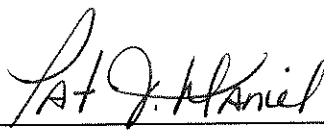
Section 7. That there exists a public emergency requiring that the Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI Section 6, Charter of the City of Houston, Texas.

PASSED AND ADOPTED this 17th day of November, 2021.

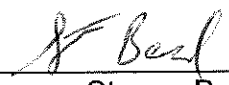
APPROVED this _____ day of _____, 2021.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the forgoing Ordinance is NOV 23 2021.



City Secretary

(Prepared by Legal Dept.) 
October 27, 2021 _____
Steven Beard
Senior Assistant City Attorney

Meeting 11/17/2021

Aye	No	
✓		Mayor Turner
....	Council Members
✓		Peck
Absent on personal business		Jackson
✓		Kamin
✓		Evans-Shabazz
✓		Martin
✓		Thomas
✓		Travis
✓		Cisneros
✓		Gallegos
✓		Pollard
✓		Castex-Tatum
✓		Knox
✓		Robinson
✓		Kubosh
✓		Plummer
✓		Alcorn
Caption	Adopted	

Captions Published in DAILY COURT REVIEW

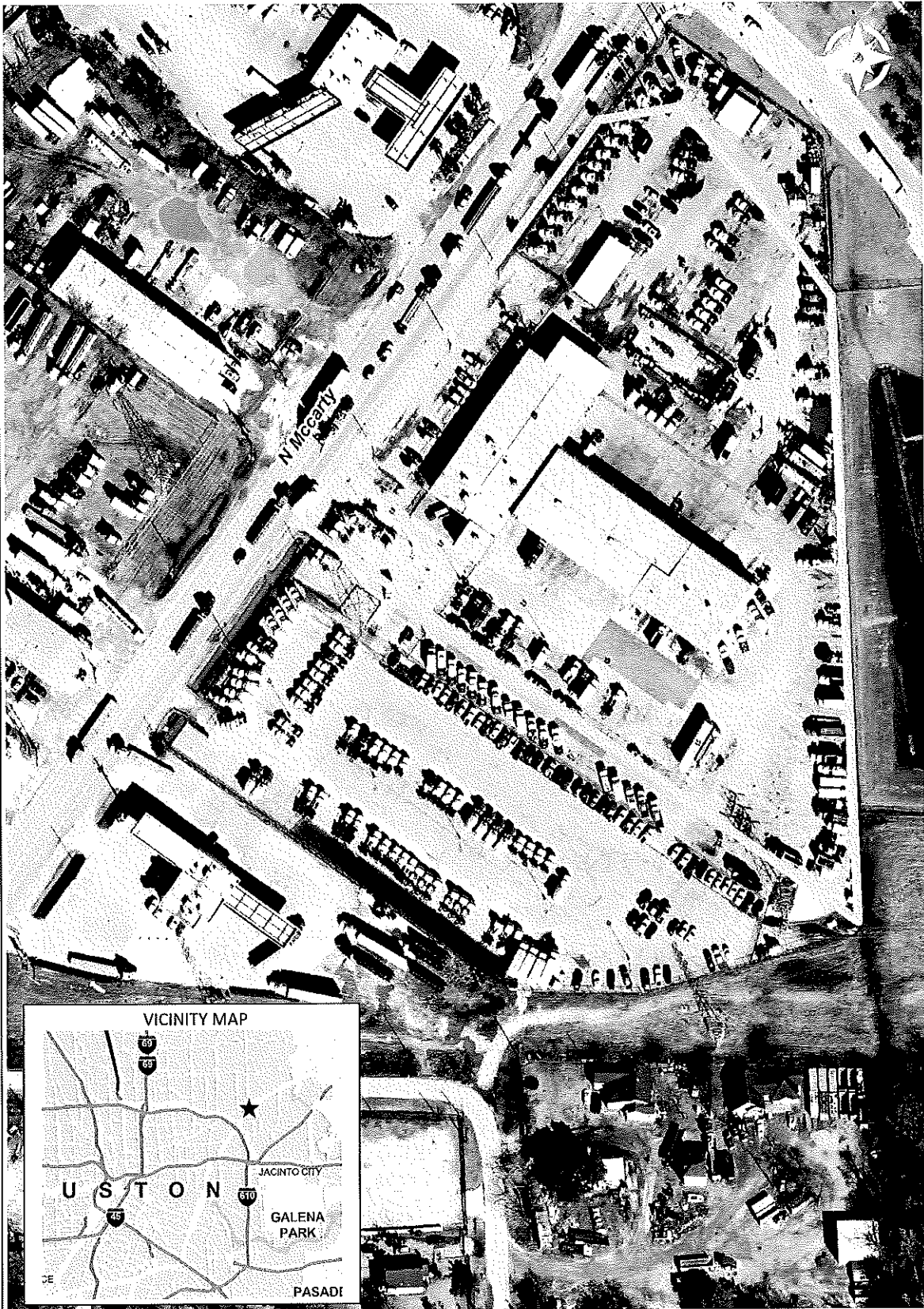
Date: 11/23/2021

PARCEL OY21-001

Parcel: OY21-001 / HCAD: 1254890010001

WBS N-922022-001-2: Approximately 5.529 acres

Subject Address: 5216 N. McCarty Street, Houston, TX 77013



Disclaimer Statement: Geospatial or map data maintained by the Houston Public Works are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries. **Exhibit "A"**

PARCEL OY21-002

Parcel: OY21-002 / HCAD: 0410150090205

WBS N-922022-001-2; Approximately 1.177 acres

Subject Address: 5202 N. McCarty Street, Houston, TX 77013

