

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Parcel KY13-110; City of Houston v. Kay Ann Chaudier, et al; Cause No. 1056728; Northeast Transmission 108-inch Water Line Easement Acquisition Project (Smith Rd. - Lee Rd.); WBS/CIP No. S-000900-0126-2-01; Legal Department File No. 081-1400068-001.	Page 1 of 2	Agenda Item #
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FROM (Department or other point of origin): Legal Department - Real Estate Section Donna L. Edmundson, City Attorney	Origination Date 07/17/15	Agenda Date
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DIRECTOR'S SIGNATURE: 	Council District affected: "ETJ"; Key Map No. 375W
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For additional information contact: Michelle B. Grossman <i>mBey</i> Phone: 832.393.6216 (alternatively Joseph N. Quintal 832.393.6286) <i>Quint</i>	Date and identification of prior authorizing Council action: Ordinance Number 2014-871, passed 9/24/14; Ordinance Number 2013-537, passed 6/5/13;
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RECOMMENDATION: (Summary)
Authorize the City Attorney by Motion to deposit the amount of the Award of Special Commissioners into the registry of the Court and pay the City's costs of court incurred in this matter. Funding will be provided by a previously approved blanket Appropriation Ordinance.

Amount and Source of Funding: \$127,200.00; No additional funding required. Funds previously appropriated under Ordinance No. 2013-537 out of the Water and Sewer System Consolidated Construction Fund 8500. *W.P. 8/28/2015*

SPECIFIC EXPLANATION:

The Northeast Transmission 108-inch Water Line Easement Acquisition Project (Smith Rd. - Lee Rd.) is part of the City's regionalization program and is in compliance with the Harris-Galveston Subsidence District requirement to implement the City's long range water supply plan. The project provides for the design and construction of transmission and distribution lines to convey treated water from surface water facilities.

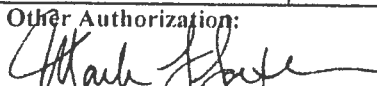
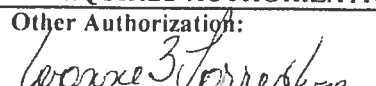
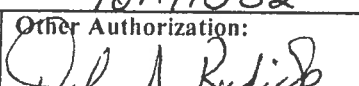
This eminent domain proceeding involves the acquisition of a 50-foot wide rectangularly shaped permanent easement containing 39,569 square feet (0.9084 acre) of land. The property is located at 6451 Aldine Bender Road and is owned by Charles Erwin Conner and George Zurenda. Efforts by Public Works and Engineering to negotiate the purchase were unsuccessful, and the matter was referred to the Legal Department to initiate eminent domain proceedings to acquire the needed property. The Legal Department cited and served the parties as required by law, and the Special Commissioners' Hearing was convened.

City's Testimony Before the Special Commissioners: \$111,824.00 (i.e. \$2.10 psf x 50% for the land being acquired and \$70,276.00 as damages to the remainder/cost to cure)

Landowner's Testimony Before the Special Commissioners: \$299,454.00 (i.e. \$2.25 psf for the land being acquired, \$177,007.00 for the improvements thereon and \$33,417.00 as damages to the remainder/cost to cure)

Award of Special Commissioners: \$115,700.00

The Legal Department and the landowner's legal representative filed Objections to the Award of Special Commissioners, and the matter has been placed on the Court's trial docket.

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Other Authorization:  Mark L. Loethen, P.E., CEM, P.T.O.E., Deputy Director Planning and Development Services Division, PWE		Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director <i>9/1/15</i> Public Utilities Division, PWE		Other Authorization:  Dale A. Rudick, P.E., Director Public Works and Engineering		

Date 07/17/15	SUBJECT: Parcel KY13-110; Northeast Transmission 108-inch Water Line Easement Acquisition Project; L.D.#081-1400068-001;	Originator's Initials MBG/JNQ	Page 2 of 2
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The "**Costs of Court**" are as follows: \$475.00 Service of process fee; \$4,500.00 Special Commissioners' fees (i.e. \$1,500.00 x 3); \$6,525.00 Appraiser's fee; **Total: \$11,500.00**. These costs of court account for the monetary difference between the amount of the Award of Special Commissioners, and the total amount of funds needed herein.

We recommend that the City Attorney be authorized by Motion to deposit the amount of the Award of Special Commissioners into the registry of the Court, and pay the City's costs of court incurred in this matter. Funding will be provided by a previously approved blanket Appropriation Ordinance.