


REQUEST FOR COUNCIL ACTION

SUBJECT: Parcel AY13-126; City of Houston v. the Dominican Sisters of Houston, Texas, Inc., f/k/a The Sacred Heart Convent of Galveston, Texas, et al, Cause No. 1055564; Alameda Road Paving & Drainage Project; WBS/CIP No. N-000806-0001-2-01; Legal Department File No. 052-1400012-006.	Page 1 of 2	Agenda Item #
--	----------------	------------------

FROM (Department or other point of origin): Legal Department - Real Estate Section Donna L. Edmundson, City Attorney	Origination Date 08/7/15	Agenda Date
--	-----------------------------	-------------

DIRECTOR'S SIGNATURE: 	Council District affected: "D"; Dwight A. Boykins; Key Map Nos. 533E & 533F
--	--

For additional information contact: Joseph N. Quintal Phone: 832.393.6286 (alternatively Michelle Grossman 832.393.6216) 	Date and identification of prior authorizing Council action: Ordinance Number 2014-0361, passed. 4/23/14; Ordinance Number 2014-240, passed 3/26/14;
--	--

RECOMMENDATION: (Summary)
 Authorize the City Attorney by Motion to deposit the amount of the Agreed Award of Special Commissioners into the registry of the Court, pay the City's costs of court incurred in this matter, and settle the case for the sum of \$495,000.00. Funding will be provided by a previously approved blanket Appropriation Ordinance.

Amount and Source of Funding:
 \$496,200.00; Funds previously appropriated under Ordinance No. 2014-240 out of the Street & Traffic Control and Storm Drainage Fund DDSRF.
M.P. 8/28/2015

SPECIFIC EXPLANATION:

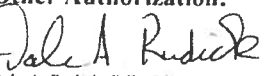


The Alameda Road Paving and Drainage Project (MacGregor - Old Spanish Trail) provides for the design and construction of a divided concrete roadway with storm drainage and necessary underground utilities. The project will replace and widen a street that has deteriorated beyond economical repair and normal maintenance. It will improve traffic circulation, mobility and drainage in the service area. The project includes the extension of a bike trail from Holcombe to Old Spanish Trail. These improvements will upgrade the existing road to major thoroughfare standards.

This eminent domain proceeding involves the fee simple acquisition of 5,343 square feet (0.1226 acre) of land located at 2401 Holcombe Boulevard. The property is owned by the Dominican Sisters of Houston, Texas, Inc., and the property is needed for street right-of-way. 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 the parties and filed the eminent domain case. Before the Special Commissioners' Hearing, the parties were able to reconcile their differences and arrive at a proposed settlement of all issues and matters in controversy, subject to City Council's approval. The parties announced their proposed settlement to the Special Commissioners and requested they return an Agreed Award of Special Commissioners based upon the proposed agreement.

Agreed Award of Special Commissioners: \$495,000.00.
 (i.e. \$83.00 psf for the land being acquired; \$48,623.00 for the improvements thereon; \$2,908.00 as damages to the remainder/costs to cure)

90AH303

h:\mark\dominicansistersrca.wpd REQUIRED AUTHORIZATION		
Other Authorization:  Dale A. Rudick, P.E., Director Public Works and Engineering	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division, PWE	Other Authorization:  Mark L. Loethen, P.E. CFM, PTOE, Deputy Director Planning and Development Services Division, PWE

Date 08/7/15	SUBJECT: Parcel AY13-126; City v. Dominican Sisters of Houston, Texas, Inc., et al; Alameda Road Paving & Drainage Project; L.D.#052-1400012-006;	Originator's Initials JNQ/MBG	Page 2 of 2
-----------------	---	-------------------------------------	----------------

The "**Costs of Court**" are as follows: \$1,200.00 Special Commissioners' fees (i.e. \$400.00 x 3); **Total:** \$1,200.00. These "costs of court" account for the monetary difference between the amount of the Agreed 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 Agreed Award of Special Commissioners into the registry of the Court, pay the City's costs of court incurred in this matter and settle the case for the sum of \$495,000.00. Funding will be provided by a previously approved blanket Appropriation Ordinance.