



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:
District B
Item Creation Date:

LGL - Parcel LY21-002; City of Houston v. Greens 69 Owner, LP, et al.; Cause No. 1187622; Greens Road Paving & Drainage Improvements Project; WBS/CIP No. N-000664-0002-02.

Agenda Item#:

Summary:

Authorize the City Attorney, by Motion, to settle the condemnation matter of *City of Houston v. Greens 69 Owner LP et al*, Cause No. 1187622, for an additional \$2,899,456.00 above the Award of the Special Commissioners for a total compensation of \$7,000,000.00. Funding will be provided by a previously approved blanket appropriation ordinance.

Background:

The Greens Road Paving and Drainage Improvements Project is intended to improve drainage, mobility, and traffic circulation by providing right-of-way acquisitions for, design of, and construction of a new divided roadway which shall include storm drainage, curbs, sidewalks, street lighting, traffic control, driveways, and underground utilities as well as upgrading the existing roadway to MTFP (Major Thoroughfare and Freeways Plan) standards. For Parcel LY21-002, the City will construct a new detention pond to improve drainage in the service area.


This eminent domain proceeding involves the acquisition of fee ownership interest to a parcel of land containing a total of 781,056 square feet, designated as Parcel LY21-002. The property is located on Greens Road, just west of Green Manor Drive in the City of Houston. The property is owned by Greens 69 Owner, LP. Prior to sending the matter to the Legal Department, the City attempted to negotiate a purchase of the property, but those efforts were unsuccessful. The matter was then referred to the Legal Department to initiate eminent domain proceedings to acquire the needed property.

A Petition in Condemnation was filed, an uncontested Special Commissioners' hearing was convened, and the Special Commissioners ordered an award of \$4,100,544.00. With Council approval, the City Attorney deposited this award into the registry of the court.


The Defendant then filed an Objection to the Award of the Special Commissioners and the litigation was docketed for a jury trial setting. The court also ordered the parties to attend mediation. At the conclusion of the mediation, and after additional discovery was conducted and pretrial documents submitted to the court, the parties announced a settlement. The result was an increase of \$2,899,456.00 above the award of the special commissioners to fully settle the litigation, which resulted in a final compensation total of \$7,000,000.00 for the land that was condemned and possible damages due to the taking.

City's Trial Appraisal:	\$5,000,000.00
Defendant's Trial Appraisal:	\$9,671,221.00
Award of the Special Commissioners' Hearing.	\$4,100,544.00
Total Compensation Settlement Amount:	\$7,000,000.00

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Randall V. Macchi
Chief Operating Officer, Houston Public Works

Prior Council Action:

Ordinance No. 2022-222, passed 3/23/2022; Ordinance No. 2021-312, passed 4/28/2021; Motion No. 2022-561, passed 11/9/2022.

Amount and Source of Funding:

\$2,899,456.00; Funds previously appropriated under Ordinance No. 2022-222 out of the Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax

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