

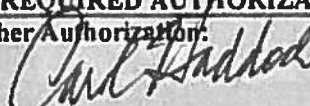

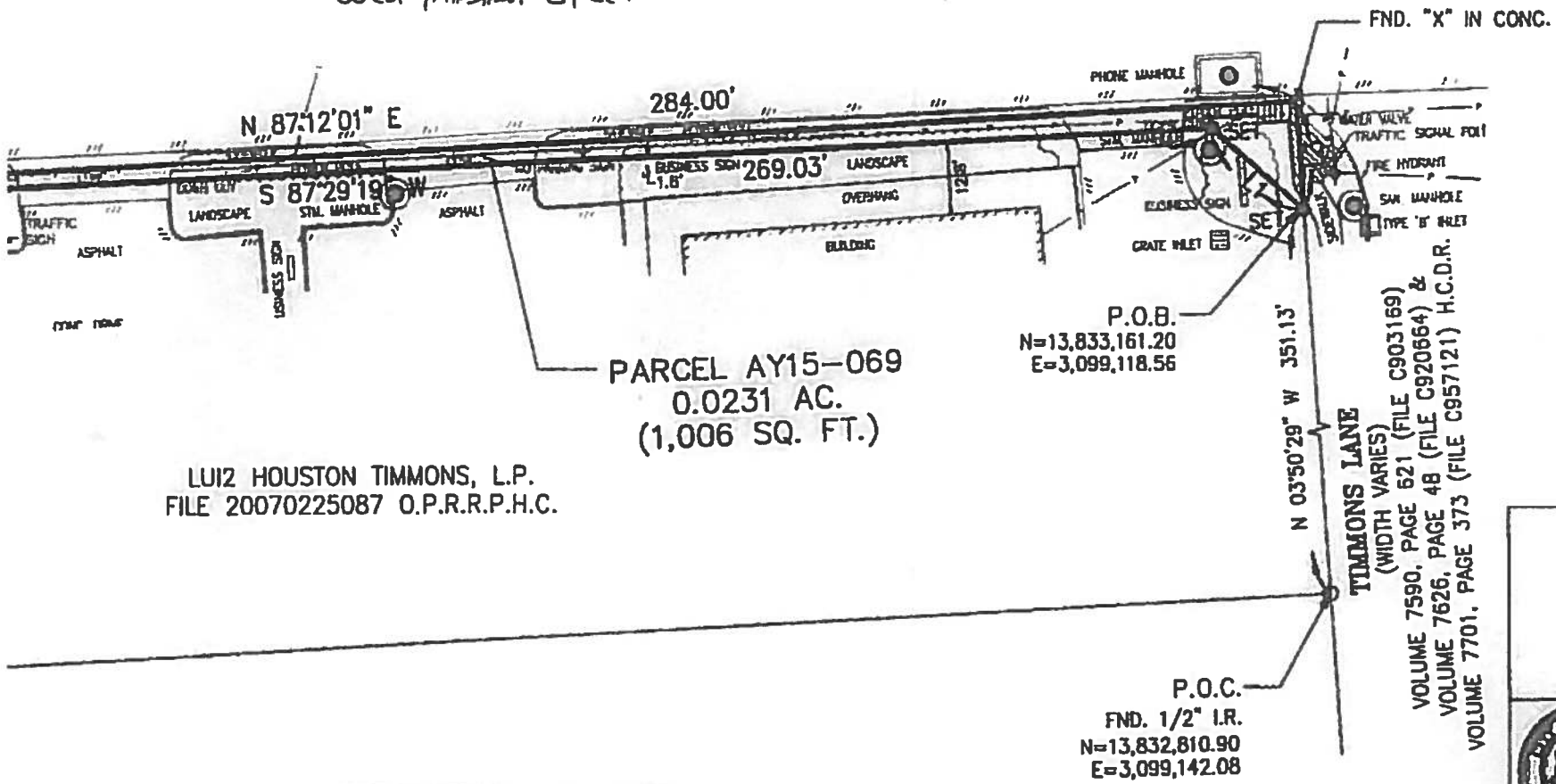


REQUEST FOR COUNCIL ACTION

SUBJECT: Parcel AY15-069; City of Houston v. Timmons Place L.P., a Texas limited partnership, et al, Cause No. 1071142; West Alabama Street Paving & Drainage Project (Weslayan - Buffalo Speedway); WBS/CIP No. N-000751-0001-2-01; Legal Department File No. 052-1500041-002.		Page 1 of 1	Agenda Item #
FROM (Department or other point of origin): Legal Department - Real Estate Section Ronald C. Lewis, City Attorney		Origination Date 07/27/16	Agenda Date
DIRECTOR'S SIGNATURE: 		Council District affected: "C"; Ellen R. Cohen; Key Map No. 492S	
For additional information contact: Michelle B. Grossman <i>MBSG</i> Phone: 832.393.6216 <i>and</i> (alternatively Joseph N. Quintal 832.393.6286)		Date and identification of prior authorizing Council action: Ordinance Number 2015-0737, passed 8/5/15; Ordinance Number 2014-0240, passed 3/26/14;	
RECOMMENDATION; (Summary) Authorize the City Attorney by Motion to purchase the Parcel AY15-069 for the total sum \$139,500.00. Funding will be provided by a previously approved blanket Appropriation Ordinance.			
Amount and Source of Funding: \$139,500.00; Funds previously appropriated under Ordinance No. 2014-240 out of the Street & Traffic Control and Storm Drainage Fund DDSRF. Fiscal Note: There is no anticipated operating and maintenance impact associated with this site acquisition.			
SPECIFIC EXPLANATION: The West Alabama Street Paving and Drainage Project (Weslayan - Buffalo Speedway) provides for right-of-way acquisition, design and reconstruction of an undivided concrete roadway with storm drainage, curbs, sidewalks, driveways, street lighting, traffic control and the necessary underground utilities. The project will replace a street that has deteriorated beyond economic repair and normal maintenance. It will improve traffic circulation, mobility and drainage in the service area. These improvements will upgrade the existing roadway to Major Thoroughfare and Freeway Plan (i.e. MTFP) standards. This eminent domain proceeding involves the acquisition of a permanent easement containing 1,006 square feet (0.0231 acre) of land located at 3701 West Alabama. Efforts by Public Works and Engineering to negotiate the purchase failed, and the matter was referred to the Legal Department to initiate eminent domain proceedings to acquire the needed property. The Legal Department filed the eminent domain case and served notice on the parties as required by law. The Legal Department retained the same appraiser utilized by Public Works and Engineering. Before the Special Commissioners' Hearing, the parties entered into negotiations and were able to reconcile their differences and resolve all issues and matters in controversy. The agreement is subject to City Council's approval and in lieu of further condemnation actions by the City. The landowner's attorney agreed to convey the needed property by deed to the City for the total sum of \$139,500.00. The agreed-upon consideration is \$15,059.00 more than the City's final offer, but is supported by the evidence available to this office. It is unlikely the City would benefit from further litigating this matter. We recommend that the City Attorney be authorized by Motion to purchase Parcel AY15-069 for the total sum of \$139,500.00. Funding will be provided by a previously approved blanket Appropriation Ordinance.			
h:\mark\timmonsplacerca3.wpd		90AH311	
Other Authorization:  Dale A. Rudick, P.E., Director Public Works and Engineering		REQUIRED AUTHORIZATION Other Authorization:  Carol Elinger Haddock, P.E., Deputy Director Engineering and Construction Division, PWE	
		Other Authorization:  Mark C. Loethen, P.E., CFM, Deputy Director Planning and Development Services Division, PWE	

(WIDTH VARIES)
 FILM CODE 346071 H.C.M.R.
 West Alabama Street



LUI2 HOUSTON TIMMONS, L.P.
 FILE 20070225087 O.P.R.R.P.H.C.

PARCEL AY15-069
 0.0231 AC.
 (1,006 SQ. FT.)

P.O.B.
 N=13,833,161.20
 E=3,099,118.56

P.O.C.
 FND. 1/2" I.R.
 N=13,832,810.90
 E=3,099,142.08

VOLUME 7590, PAGE 621 (FILE C903169)
 VOLUME 7626, PAGE 48 (FILE C920664) &
 VOLUME 7701, PAGE 373 (FILE C957121) H.C.D.R.

LINE	BEARING	DISTANCE
L1	N 48°10'35" W	21.46'
L2	N 03°50'30" W	2.43'
L3	S 03°50'29" E	18.87'

THE TEXAS
 ZONING
 8798.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE
 ON THE GROUND UNDER MY SUPERVISION AND
 THAT THIS PLAT REPRESENTS THE FACTS AS
 FOUND AT THE TIME OF THE SURVEY.



EXISTING	TAKING	REMAINING

LANDTECH
 Civil Engineer
 2525
 Houston
 Tel. (713) 861-7000
 TBPLS FIRM REGISTRAR

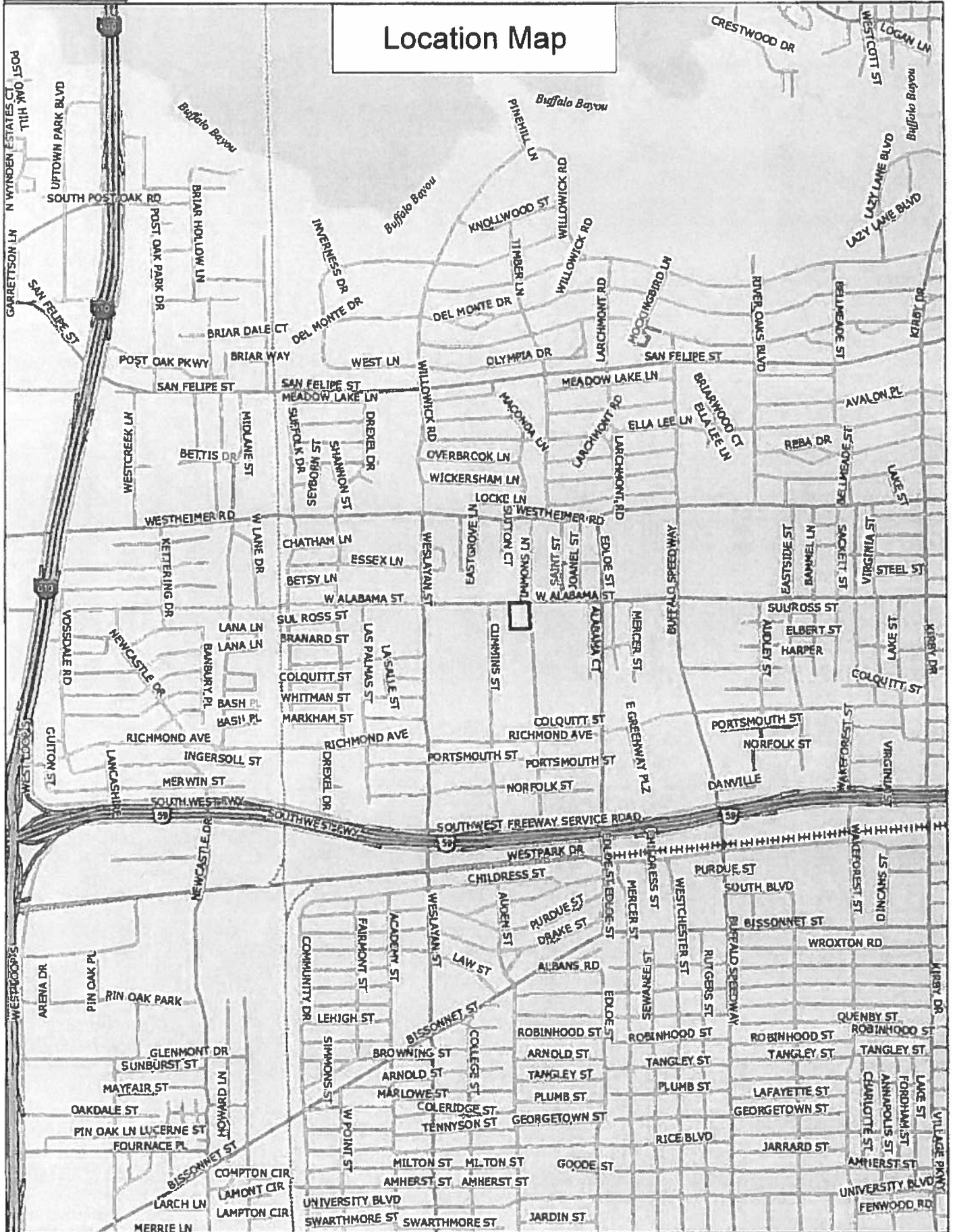
**CITY OF
 PUBLIC
 ENGINEER**

APPROVAL

AWD
 SURVEY SECTION

KEY MAP No. 492 S&T
 PARCEL NO. AY15-069
 SCALE: AS SHOWN
 SHEET NO. 18 OF 20

Location Map



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Scale 1 : 22,400



1" = 1,868.7 ft Data Zoom 13-2