

SUBJECT: Parcel DY14-027; <i>City of Houston v. Farren Family Holdings, L.P., et al</i> ; Cause No. 1077540; North Corridor Plant Consolidation Package 1B Project, WBS No. R-000536-0018-2; Legal Department File No. 081-14000670-09		Page 1 of 1	Agenda Item #
FROM: (Department or other point of origin): Legal Department – General Litigation Section Ronald C. Lewis, City Attorney		Origination Date 8/17/2017	Agenda Date
DIRECTOR'S SIGNATURE:		Council Districts affected: Council District B, Key Map No. 373L	
For additional information contact: Michelle Grossman ... 832-393-6216 Steven Beard832-393-6295		Date and identification of prior authorizing Council Action: Appropriation Ordinance Number 2016-758 passed 10/05/2016, PNC Ordinance Number 2014-1128 passed 12/10/2014	
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 cost of court. Funding will be provided by a previously approved blanket Appropriation Ordinance.			
Amount and Source of Funding: \$67,644.80; Funds previously appropriated under Ordinance No. 2016-758 out of the Water Sewer System Consolidated Construction Fund. Fiscal Note: There is no anticipated operating and maintenance impact associated with this site acquisition.			
SPECIFIC EXPLANATION: The NORTH CORRIDOR PLANT CONSOLIDATION PACKAGE 1B PROJECT is part of a consolidation and closing of four wastewater treatment plants (Northgate Wastewater Treatment Plant, Imperial Valley Wastewater Treatment Plant, Northborough Wastewater Treatment Plant, and MUD 203 Wastewater Treatment Plant) and diverting the flow from those plants to Intercontinental Airport Wastewater Treatment Plant through a newly constructed 54" sewer line. This eminent domain proceeding involves the acquisition of sanitary easement containing 20,828 square feet of land from a parent tract containing 245,887 square feet of land. The property address is 0 Air Center Boulevard. The property is situated at the southeast corner of McAulty Road and Air Center Boulevard, immediately north of the Hardy Toll Road IAH Connector. The landowner is Farren Family Holdings, L.P. The landowner rejected the City's final offer. Further efforts by Public Works and Engineering to negotiate the purchase of the property failed. The matter was subsequently referred to the Legal Department to initiate eminent domain proceedings. The Legal Department filed suit and cited and served the parties as required by law and scheduled the Special Commissioners' Hearing. A hearing was convened, and the Special Commissioners heard the following testimony. <u>City's Testimony for the Special Commissioners:</u> \$52,070.00 (i.e. \$5.00 psf for the land x 50% of fee) <u>Landowner's Testimony for the Special Commissioners:</u> \$154,474 (i.e. \$86,784 for the land + \$67,690.00 for ongoing expenses of the easement) <u>Award of Special Commissioners:</u> \$58,359.80 <u>Court & Misc Cost:</u> Special Commissioners' fees \$ 4,050.00 (ie \$1,350.00 x 3); Process Service \$235.00; Appraisal Services \$5,000.00; Total Court & Misc. Costs: \$9,285.00 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 costs of court incurred in this matter. Funding will be provided by a previously approved blanket Appropriation Ordinance.			
REQUIRED AUTHORIZATION			
Other Authorization: Department of Public Works and Engineering		Other Authorization: Department of Public Works and Engineering	