

**REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Parcel DY14-047 & DY14-021; <i>City of Houston v. Lit Industrial Texas Limited Partnership, et al</i> ; Cause No. 1081333; North Corridor Consolidation 1 B Project; WBS/CIP No. R-000536-0018-2; Legal Department File No. 081-140007-010.		<b>Page</b> 1 of 1	<b>Agenda Item #</b>
<b>FROM (Department or other point of origin):</b> Legal Department - General Litigation Section Ronald C. Lewis, City Attorney		<b>Origination Date</b> 08/15/2017	<b>Agenda Date</b>
<b>DIRECTOR'S SIGNATURE:</b>		<b>Council District affected:</b> Council District B Key Map No. 373 K, 373P	
<b>For additional information contact:</b>  Michelle Grossman ... 832.393.6216 Steven Beard ..... 832.393.6295		<b>Date and identification of prior authorizing Council action:</b> Appropriation Ordinance Number 2016-758 passed 10/05/2016, PNC Ordinance Number 2014-1128 passed 12/10/2014	
<b>RECOMMENDATION: (Summary)</b> 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. Funding will be provided by a previously approved blanket Appropriation Ordinance.			
<b>Amount and Source of Funding:</b> \$217,561.04; Funds previously appropriated under Ordinance No. 2016-758 out of the Water Sewer System Consolidated Construction Fund. <b>Fiscal Note:</b> There is no anticipated operating and maintenance impact associated with this site acquisition.			
<b>SPECIFIC EXPLANATION:</b> 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 flow from those plants to Intercontinental Airport Wastewater Treatment Plant through a newly constructed 54 inch sewer line.  This eminent domain proceeding involves the acquisition of two permanent easements containing a total of 51,772 square feet. The property is owned by the two related entities of LIT Industrial Limited Partnership, a Delaware Limited Partnership and LIT Industrial Texas Limited Partnership, a Delaware Limited Partnership. Both entities are part of Clarion Partners, a New York City based REIT. The property is located at 1517 Greens Road. 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 a special commissioners' hearing was held.  <b>City's Testimony for the Special Commissioners:</b> ..... \$ 94,521.00 <b>Landowner's Testimony for the Special Commissioners:</b> .... \$556,443.00 <b>Award of Special Commissioner:</b> ..... \$202,800.00 <b>Court &amp; Misc. Costs:</b> Special Commissioners' fees: \$6,750.00 (\$2,250.00 x 3), Process Service: \$335.00, Appraisal costs: \$7,250.00, Court Reporting costs: \$426.04; <b>Total Court &amp; Misc. Costs:</b> \$14,761.04  It is recommended that the City Attorney be authorized by Motion to deposit the amount of the Award of Special Commissioners into the registry of the Court to gain possession of the needed land and pay the costs of Court. Funding will be provided by a previously approved blanket Appropriation Ordinance.			
<b>REQUIRED AUTHORIZATION</b>			
<b>Authorization:</b> Department of Public Works and Engineering		<b>Other Authorization:</b> Department of Public Works and Engineering	

