

REQUEST FOR COUNCIL ACTION

SUBJECT: Parcels AY15-060, AY15-061, AY15-064, AY15-065; <i>City of Houston v. St. Luke's Methodist Church Foundation, a Texas not-for-profit corporation</i> ; Cause No. 1074492; and <i>City of Houston v. St. Luke's United Methodist Church of Houston, a Texas non-profit corporation</i> ; Cause No. 1074488; West Alabama Street Paving & Drainage Project; WBS/CIP No. N-000751-0001-2-01; Legal Department File Nos. 052-1500041-006.		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 10/24/17	Agenda Date	
DIRECTOR'S SIGNATURE:	Council District affected: "C"; Ellen R. Cohen; Key Map No. 492T		
For additional information contact: Michelle Grossman 832.393.6216 Steven Beard 832.393.6295	Date and identification of prior authorizing Council action: Ordinance No. 2015-737, passed 08/05/15; Ordinance No. 2014-240, passed 03/26/14; Motion No. 2017-0211, passed 04/19/2017		
RECOMMENDATION: (Summary) Authorize the City Attorney by Motion, to settle the condemnation matters, <i>City of Houston v. St. Luke's Methodist Church Foundation, a Texas not-for-profit corporation</i> ; Cause No. 1074492; and <i>City of Houston v. St. Luke's Methodist Church of Houston, a Texas non-profit corporation</i> ; Cause No. 1074488; for an additional \$30,000.00 for a global settlement of both cases. Funding is provided by a previously approved blanket Appropriation Ordinance.			
Amount and Source of Funding: \$30,000.00; No Additional funding required. (Fund previously appropriated under Ordinance No. 2014-240).			
SPECIFIC EXPLANATION: The West Alabama Street Paving and Drainage Project 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 and upgrade the existing roadway to Major Thoroughfare and Freeway Plan standards. These two- <i>eminent domain</i> proceedings involve the acquisition of permanent easements to four parcels of land containing a total of 1112 square feet of land. The properties are owned by St. Luke's Methodist Church Foundation, Inc. and St. Luke's United Methodist Church of Houston and are located at West Alabama's intersection with Edloe Street and West Alabama Court. Efforts by Public Works and Engineering to negotiate the purchase failed, and the matters were 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. After the Special Commissioners' hearing, the parties entered settlement negotiations. The parties agreed to fully settle the condemnation proceedings for an additional increase of \$30,000.00 above the amount of the Award of Special Commissioners for a final sum of \$298,010.00. All costs of these proceedings have been previously paid by the City of Houston. It is recommended that the City Attorney be authorized by Motion to settle this condemnation proceeding. Funding is provided by a previously approved blanket appropriation ordinance.			
REQUIRED AUTHORIZATION			
Other Authorization: Department of Public Works & Engineering	Other Authorization:		

