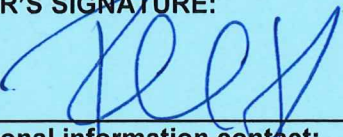


SUBJECT: Parcels AY14-103; <i>City of Houston v. JK Long Point, LLC., a Texas Limited Liability Company, et al.</i> ; Cause No. 1063899; Gessner Road Paving and Drainage Project (Long Point - Neuens Rd.); WBS/CIP No. N-000809-0001-2-01; Legal Department File No. 052-1400045-002.		Page 1 of 1	Agenda Item #
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: "A"; Brenda Stardig; Key Map No. 450W	
For additional information contact: Michelle Grossman 832.393.6216 Steven Beard 832.393.6295 <i>M BEY LAY</i> <i>JK</i>		Date and identification of prior authorizing Council action: Ordinance Number 2015-10, passed. 1/7/15; Ordinance Number 2014-240, passed 3/26/14; Motion No. 2016-172 passed 4/13/16	
RECOMMENDATION: (Summary) Authorize the City Attorney, by Motion, settle the eminent domain matter, <i>City of Houston v. JK Long Point, LLC., a Texas Limited Liability Company, et al.</i> ; Cause No. 1063899; for an additional \$225,000.00 above the amount of the Award of Special Commissioners' of \$400,000.00 to be paid to McFarland PLLC FBO JK Longpoint, LLC. for a total settlement amount of \$625,000.00.			
Amount and Source of Funding: \$225,000.00; Funds previously appropriated under Ordinance No. 2014-240 out of the Street & Traffic Control and Storm Drainage Fund DDSRF.			
SPECIFIC EXPLANATION: The Gessner Road Paving and Drainage Project (Long Point - Neuens Road) provides for the design and construction of a six lane divided concrete roadway with storm drainage, curbs, sidewalks, driveways, street lighting, traffic control, and necessary underground utilities. It will improve traffic circulation, mobility and drainage in the service area. These improvements will upgrade existing road to MTFP standards. This eminent domain proceeding involves the acquisition of a permanent easement containing 998 square feet (0.0229 acre) of land located at the northwest corner of Gessner Road and Long Point. The property is owned by JK Long Point, LLC., a Texas limited liability company. The property is located at 1401 Gessner Road and is improved with a 5,950 square-foot multi-tenant building. Efforts to negotiate the purchase failed. The matter was referred to the Legal Department to initiate eminent domain proceedings to acquire the needed property interest. The Legal Department filed the case and served notice on the parties as required by law. The Special Commissioners returned an Award for \$400,000.00. On April 13, 2016, Council authorized the deposit of the Award of Special Commissioners and payment of both miscellaneous and court costs by Motion No. 2016-0172. The City deposited the Award on June 3 rd , 2016. This deposit allowed the City to gain possession of the land. Both parties filed objections to the Award of Special Commissioners to preserve their legal and procedural options, and the matter was placed on the Court's trial docket. After the Special Commissioners' hearing, the parties entered settlement negotiations. The parties agreed to fully settle the condemnation proceedings for an increase of \$225,000.00 above the amount of the Award of Special Commissioners (\$400,000.00) for a final sum of \$625,000.00. It is recommended, the City Attorney, by Motion, is authorized to settle the eminent domain matter, <i>City of Houston v. JK Long Point, LLC., a Texas Limited Liability Company, et al.</i> ; Cause No. 1063899; for an additional \$225,000.00 above the amount of the Award of Special Commissioners' of \$400,000.00 paid to McFarland PLLC FBO JK Longpoint, LLC., for a total settlement amount of \$625,000.00.			
REQUIRED AUTHORIZATION			

Other Authorization: Department of Public Works & Engineering	Other Authorization:
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