

## CITY OF HOUSTON - CITY COUNCIL

Meeting Date:  
District E  
Item Creation Date:

LGL - Parcels LY16-020; City of Houston v. HCA Homes, LTD, et al.; Cause No. 1100080;  
Berry Bayou Detention Basin C506-01 Addition Project; WBS/CIP M-000296-009A-2

Agenda Item#:

### **Summary:**

Authorize the City Attorney, by Motion, to deposit the Award of the Special Commissioners of \$1,932,853.00 into the registry of the court and pay all costs. Funding will be provided by a previously approved blanket appropriation ordinance.

### **Background:**

The Berry Bayou Detention Basin Project provides for the design, engineering and construction of a new detention basin. The project is required to address storm water drainage problems and alleviate flooding in the City.

This eminent domain proceeding involves the acquisition of fee simple title in and to a vacant parcel of land containing 314,285 square feet. The property is owned by HCA Homes Ltd. Efforts by Houston Public Works 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 at which time the parties testified as to the value of the land acquired and damages to the remainder property.

**City's Testimony for the Special Commissioners:** .....\$1,581,775.00

**Landowner's Testimony for the Special Commissioners:** .....\$2,270,000.00

**Award of the Special Commissioners' Hearing:** .....\$1,932,853.00


**Court & Misc. Costs:** Special Commissioners' fees; \$3150.00 (\$1050.00 x 3); Process Service; \$80.00; Court Filings; \$231.39, **Estimated**

**Total Court & Misc. Costs:** \$3,461.39.

It is recommended that the City Attorney be authorized by Motion to deposit the Award of the Special Commissioners in the amount of \$1,932,853.00 into the registry of the court and pay all costs. Funding will be provided by previously approved blanket appropriation ordinance number 2017-373 passed May 24, 2017.

**Fiscal Note:** There is no anticipated operating and maintenance impact associated with this site acquisition.

  
Ronald C. Lewis, City Attorney

  
Carol Ellinger Haddock, P.E.  
Director, Houston Public Works

### **Prior Council Action:**

Ordinance No. 2017-373, passed 05/24/2017, Ordinance No. 2017-238, passed on 04/05/17

### **Amount of Funding:**

\$1,932,853.00; Funds previously appropriated under Ordinances No. 2017-373, passed on 05/24/17 out of the Street and Traffic Control and Storm Drainage DDSRF.

### **Contact Information:**

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