



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

District H

Item Creation Date:

LGL - Parcel AY17-254; City of Houston v. Cristelo Atic Guadiana; Cause No. 1112394; Acquisition of Right of Way for Clark Road Drainage and Paving Improvements Project; WBS/CIP No. M-000284-0002-2; Legal Department File No. 055-1700002-003

Agenda Item#:

Summary:

Authorize the City Attorney, by Motion, to deposit the amount of the Award of Special Commissioners' into the registry of the court for *City of Houston v. Cristelo Atic Guadiana, et al.*; Cause No. 1112394 and settle for the Award amount; funding is provided by a previously approved blanket Appropriation Ordinance.

Background:

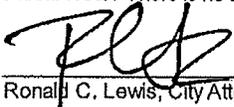
The Acquisition of Right of Way for Clark Road Drainage and Paving Improvements Project (the "Project") is needed to address and to reduce the risk of structural flooding in the Airline Drive area. This Project provides the design and construction of storm drainage improvements, necessary concrete paving, curbs, sidewalks, driveways and underground utilities. Additional improvements include providing storm water detention as needed. The project will mitigate the impact of storm water and will reduce the potential flooding in the area.

This eminent domain proceeding involves the acquisition of a permanent easement totaling 282 square feet for the Project. The landowners are Cristelo Atic Guadiana and Maria Dejesus Guadiana. The property is located at 139 Tidwell. Efforts by Houston Public Works to negotiate the easement purchase failed, and the matter was referred to the Legal Department to initiate eminent domain proceedings.

A hearing was convened, and the Special Commissioners ordered an award of \$63,500. This is an increase of \$3,791 above the final offer amount of \$59,709 made by Houston Public Works. All parties have agreed to \$63,500 to fully settle the condemnation proceeding.

We recommend the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners' into the registry of the Court and settle this matter for the amount of the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.

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 Number 2017-373, passed 05/24/17; Ordinance Number 2017-749, passed 09/27/2017

Amount of Funding:

\$63,500; Funds previously appropriated under Ordinance 2017-373, out of the Street & Traffic Control and Storm Drainage - Dedicated Drainage and Street Renewal Fund

Contact Information:

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ATTACHMENTS:

Description	Type
Cover Sheet	Signed Cover sheet
Ord No. 2017-373	Ordinance/Resolution/Motion
Exhibit A	Backup Material
Ord. No 2017-749	Ordinance/Resolution/Motion