
City Council Regular Meeting

DEPARTMENT: Legal

FROM: Matt Ribitzki, Deputy City Attorney/Compliance Manager

MEETING: April 17, 2023

SUBJECT:

Consider the use of eminent domain to condemn property and consider Resolution No. CSO#5066-04-2023 authorizing the filing of eminent domain proceedings for the purpose of obtaining the necessary real property for construction and maintenance of roadway and public utility improvements along Lakewood Drive to serve existing and new development in the City. *(Staff Presenter: Matt Ribitzki, Deputy City Attorney/Compliance Manager)*

SUMMARY:

The City has designed and begun construction of the widening and expansion of Lakewood Drive from County Road 1020 (future Alsbury Blvd) to FM 1902 to serve Hooper Business Park, the Chisholm Summit development, and surrounding area. The City identified four parcels of land along Lakewood Drive where additional right-of-way was required to facilitate the construction of Lakewood and other public utilities improvements, and the City has acquired three of the four parcels. The remaining parcel necessary for the road expansion is an approximately 7,726 square foot parcel out of a two acre tract off of Lakewood Drive. The City has attempted acquire the 7,726 square foot parcel from the owners of the two acre tract, but the attempts have been unsuccessful.

On October 17, 2022, city council approved a resolution authorizing staff to acquire land survey and a real estate appraisal for the required land. The legal description and appraisal have since been acquired. Two letters with bona fide offers have been provided according to state law with no response from the property owner.

If Council authorizes the use of eminent domain and approves the resolution, the City will be able to initiate condemnation proceedings in order to acquire the necessary property.

The next steps will include the city filing a condemnation petition, three special commissioners will be appointed to hear the matter, the special commissioners will hold a hearing to determine the value of the property, and the special commissioners will issue a ruling on the value of the property. Once the special commissioners issue a ruling, the city may take possession. The special commissioners' ruling is appealable, but the appeal doesn't impact possession.

OPTIONS:

- 1) Authorize the use of eminent domain and approve the resolution; or
- 2) Do not authorize the use of eminent domain and deny the resolution.

RECOMMENDATION:

Staff recommendation authorizing the use of eminent domain and approving the resolution.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

None.

FISCAL IMPACT:

None.

STAFF CONTACT:

Matt Ribitzki
Deputy City Attorney/Compliance Manager
mribitzki@burlesontx.com
817-426-9664