
City Council Regular Meeting

DEPARTMENT: Legal

FROM: Matt Ribitzki, Deputy City Attorney/Compliance Manager

MEETING: October 17, 2022

SUBJECT:

Consider approval of a resolution authorizing City staff to obtain an appraisal and land survey of real property in Johnson County, Texas, being a portion of a tract of land commonly known as 1324 County Road 914, necessary to allow for the expansion of Lakewood Drive and for other public purposes. (*Staff Presenter: Matt Ribitzki, Deputy City Attorney/Compliance Manager*)

SUMMARY:

The City has recently begun construction on Lakewood Drive (County Road 914), which will expand the current roadway and will extend the road from County Road 1020 (future Alsbury Blvd) to FM 1902. Along with the road work, the City is also making sewer improvements to the area, including construction of sanitary sewer lines and lift station to serve the Chisholm Summit development, future Hooper business park, and the surrounding area. The design of Lakewood Drive has been completed, and the design of the sanitary sewer lift station is approximately 85 percent complete.

The City has identified four parcels along Lakewood Drive (County Road 914) that it must acquire to facilitate the construction of the roadway and sewer improvements. The City and owners of three of the four parcels have reached agreements to allow the City to acquire title to necessary property.

The last remaining parcel is approximately a 7,726 square foot portion of a larger tract of real property located at 1324 County Road 914, though the exact size is unknown at this time. The approximate 7,726 square foot tract is along County Road 914. The City has not been able to reach an agreement with the owner to acquire the required tract.

City staff is seeking a resolution from the City Council to authorize staff to obtain a land survey and real estate appraisal of last remaining parcel. A survey would allow the City to obtain the exact legal description of the approximate 7,726 square foot tract needed along 1324 County Road 914. An appraisal would allow the City to determine the value of the property needed. Further, an exact legal description and appraisal are necessary to make a final offer on the required property, the final offer being step required before the City can file a condemnation petition and begin the process of acquiring the required property through eminent domain.

The resolution also encourages City staff to continue discussions with the owner about obtaining the required property amicably via an agreement in hopes that eminent domain can be avoided.

OPTIONS:

- 1) Approve the resolution.
- 2) Deny the resolution.

RECOMMENDATION:

Staff recommends Option (1) approve the resolution authorizing City staff to obtain an appraisal and land survey of real property in Johnson County, Texas, being a portion of a tract of land commonly known as 1324 County Road 914, necessary to allow for the expansion of Lakewood Drive and for other public purposes.

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

N/A

FISCAL IMPACT:

N/A

STAFF CONTACT:

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