

From: [Eugene Foster](#)
To: [Andrea Cunningham](#)
Cc: [Eugene Foster](#)
Subject: City Council Review of Village Grove June 21, 2002
Date: Thursday, June 16, 2022 9:48:27 AM

Ms Cunningham:

As directly affected landowners located immediately adjacent to the proposed Village Grove PDD, my family and I respectfully request that you include this communication in the City Council member's information packets for the next City Council meeting.

Regarding the location of the 2-lane minor arterial roadway to be located adjacent to our north property line and the City's stated plans to expand that roadway to four lanes, I request the Council to clearly confirm by resolution that the planned 4-lane expansion will not include acquisition of any right-of-way from our property, now or in the future, regardless of any future revisions to the interim results of Alliance Transportation Group's Transportation Impact Assessment dated January 17, 2022.

I request the City Council's consideration and resolution on this topic because the City's planning for this roadway expansion without providing clarity on its location and limits amounts to a constructive use of our property that will hinder or prevent our future use, sale, or redevelopment of our property. Generally stated, constructive use is a concept routinely recognized by the U.S. Department of Transportation and the Texas Department of Transportation when a public transportation project does not directly acquire right of way from an adjacent property but effectively hinders or prevents its continued use due to current or future changes that will occur if the proposed project is built.

Essentially, the fact that the City has stated its plans to expand the Village Grove 2-lane arterial roadway but has not defined the location and limits of the four-lane expansion means that any plans we have for redevelopment or sale of our property are inherently constrained and our property's value is diminished now and indefinitely in the future.

As much as we appreciate the consideration given by the Village Grove development team and the acknowledgements of a history of inadequate communication by the City, as expressed by the Mayor and other City Council members, the impact of the city's current and future roadway plans along our north property line will cause an even greater immediate and long-term impact than any of those impacts thus far discussed and agreed for mitigation.

I look forward to seeing this communication entered into the public record for this project and I sincerely request the City Council to take action by resolution that no right-of-way will be taken now or in the future for the adjacent roadway planned along our north property line.

Respectfully submitted,
Eugene Foster
Brenda Foster