



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: December 6, 2023
PREPARED BY: Scott Moore, City Manager
DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a Resolution Finding Public Convenience and Necessity And Authorizing The Use of Eminent Domain To Condemn If Necessary a 20,796 Square Foot Wastewater Easement and a 19,514 Square Foot Acre Temporary Construction Easement (both as described in Exhibits "A," "B," and "C") from that 13.502 Acre Tract conveyed by Warranty Deed to Tuan and Nhieu Nguyen and recorded at Document Number 2022072304 Of The Official Public Records of Travis County, Texas, For The Public Use And Purpose of Construction Of A Wastewater Line.

BACKGROUND/SUMMARY:

Since March 2023, the City has been engaged with multiple property owners to acquire easements to construct a wastewater line for the Cottonwood Creek West Tributary Wastewater Line project. The City secured a Possession Use Agreement (PUA) from the Nguyen family in July. Our consultants have made several attempts to contact the Nguyen representative since September to finalize the purchase agreement for the easement. The deadline for responding to the City’s final offer has expired without the parties agreeing to the acquisition of the easement for the proposed project. Therefore, the next step is for the City Council to authorize the condemnation of the land.

The Resolution must be approved using specific motion language, as stated below, and a roll call vote must be taken.

LEGAL REVIEW: Yes, Paige Saenz, City Attorney
FISCAL IMPACT: Legal costs related to completing condemnation proceedings, which generally range from between \$7,500 to \$10,000 depending on the issues encountered, and the ultimately purchase price for the easement.
PRESENTATION: No
ATTACHMENTS: Yes

- Resolution No. 2023 - 40

LEGAL RECOMMENDATION:

It is the City legal’s recommendation that the City Council approve Resolution No. 2023-40 as follows:

"I move that the City of Manor authorize the use of the power of eminent domain to acquire both a permanent wastewater easement of 20,795 square feet and a temporary construction easement of 19,514 square feet from the property owned by Tuan and Nhieu Nguyen and described in Agenda Item (x) for the public use of constructing and operating wastewater lines and infrastructure improvements"

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**