



Wylie City Council

AGENDA REPORT

Department: Engineering Account Code: 447-5447-58110
Prepared By: Tim Porter

Subject

Consider, and act upon, Resolution No. 2023-32(R) determining a public necessity to acquire certain properties for public use by eminent domain for right of way (in fee simple) and temporary construction easements and related improvements for the construction, expansion, access, repair, maintenance and replacement of a portion of approximately 1.25 miles of E. FM 544 (from north of Alfred Drive to County Line Road) roadway project, located on a portion of a 1.99-acre tract of land conveyed to Braddock Place Estates Homeowners Association, Inc. as recorded under instrument no. 20160329000367090 in the real property records of Collin County, Texas, generally located along the west side of E. FM 544 between Alanis Drive and Vinson Road, Wylie, Collin County, Texas; giving notice of an official determination to acquire certain properties for public use by eminent domain for such right of way (in fee simple), temporary construction easements and related improvements; authorizing the City Manager of the City of Wylie, Texas, to establish procedures for acquiring the right of way and easements, offering to acquire the property interests, voluntarily, from the landowner through the making of bona fide offers; appropriating funds; providing for repealing, savings and severability clauses; and providing for an effective date.

Recommendation

If the City Council desires to approve this item, the form of the motion is required by statute to be made as follows: “I move that the City Council of the City of Wylie, Texas authorize the use of the power of eminent domain to acquire property, in fee simple, located in the area described and depicted in Exhibit A to the Resolution under consideration by the City Council, for the purpose of the right of way and temporary construction easements and related improvements for the construction, expansion, access, repair, maintenance and replacement of a portion of approximately 1.25 miles of E. FM 544 (from north of Alfred Drive to County Line Road) roadway project and all appurtenances related thereto.”

Discussion

The E. FM 544 Roadway Project spans from north of Alfred Drive to County Line Road. The project includes roadway, traffic, utility, drainage, and pedestrian mobility improvements, as well as incorporates a new traffic signal at the intersection of E. FM 544 and Alanis Drive and a roundabout at the intersection of E. FM 544 and County Line Road. City Council awarded construction of this roadway project to Tiseo Paving Company on September 12, 2023.

Right-of-way (ROW) acquisition is currently being finalized. To facilitate construction, ROW and easements are needed from the Braddock Place Estates Homeowners Association (HOA). The HOA Bylaws do not address the selling or transfer of property by only board members and the Board does not believe it is possible to reach timely a quorum with their stakeholders, so therefore, following discussions with the HOA Board and the City Attorney, it was determined by staff and the HOA Board that proceeding with eminent domain would be the best path forward on this matter.

Staff recommends approval of the attached Resolution to acquire certain properties for public use by eminent domain for such right of way, temporary construction easements, and related improvements.