



MEMORANDUM

To: Mayor and City Council

From: Ken Griffin, P.E., Director of Engineering and Public Works

Date: August 13, 2013

Reference: Consider approval of a resolution authorizing eminent domain proceedings

2030: Sustainable City Government, Goal 3
Excellent and Well-maintained City Infrastructure and Facilities

Introduction:

This agenda item is being presented for approval of a resolution authorizing the city attorney to file eminent domain proceedings to acquire 0.138 +/- acres of real property for the expansion of public roadway and right of way along Freeport Parkway located at 192 S. Freeport Parkway, Coppell, Dallas County, Texas.

Analysis:

For the portion of Freeport Parkway from Ruby Road to West Sandy Lake Road, the city has been working on right of way acquisition since January of 2009. We have acquired all the property needed with the exception of 192 S. Freeport Parkway. Below is a breakdown for each parcel:

Parcels 1&3 – City of Coppell

Parcels 1&3 are located on S. Freeport Parkway and are City of Coppell Wagon Wheel Park properties that consist of 18,992 SF and 25,875 SF respectively.

Parcel 2 – Stewart Family Living Trust

Parcel 2 is located at 300 S. Freeport Parkway and consists of 14,948 (.343 AC) square feet. This parcel has been acquired at a value of \$104,940.00, or \$7.02/SF.

Parcel 4 – Henry Tate

Parcel 4 is located at 288 S. Freeport Parkway and consists of 7,579 (.174 AC) square feet. This parcel has been acquired at a value of \$36,943.50, or \$4.87/SF.

Parcel 5 – Michael and Linda Alexander

Parcel 5 is located at 196 S. Freeport Parkway and consists of 12,240 (.281 AC) square feet. This parcel has been acquired at a value of \$65,882.40, or \$5.38/SF.

Parcel 6 – Joe Charles Hardman

Parcel 6 is located at 192 S. Freeport Parkway and consists of 6,011 (0.138 AC) square feet. At this point, no agreement has been reached on this parcel. Contact was made with Joe Hardman via letter by our department on 1/20/2009 informing him of the project and the right of way needs with an offer of \$15,028.20, or \$2.50/SF. There was no response and this project was put on hold. On 6/1/2011 another letter was sent to Mr. Hardman with the same offer. This offer was verbally declined.

On 3/21/2012 an offer of \$55,480.30, or \$9.23/SF was sent to Mr. Hardman for his consideration. Included in this offer was an amount that Mr. Hardman had provided us with from an appraisal he had done by a certified arborist for 3 trees that we would be removing from his property in the amount of \$29,650.00. We also offered to compensate him \$3,300 for future water impact fees and \$6,000 for noise, landscaping and screening from the roadway.

In July of 2012 the city met with Mr. Hardman and he provided us a counter-offer of \$106,401.00 or \$17.70/SF. On 12/26/2013, a final offer of \$59,480.30, or \$9.90/SF was sent to Mr. Hardman. On 5/29/2013, the city met with Mr. Hardman and he informed us that we still were not close to his numbers. He notified us that he was going to have to do more research and get back to us. We let him know that we would need to move forward and proceed on the July 9th council meeting with the intent of eminent domain process, and in the meantime he could provide us with his numbers. On July 9th, we met with Mr. Hardman and agreed to an amount of \$85,000 or \$14.14/SF and he signed the letter of intent. We pulled the item from the council agenda and began the process to issue the funds to Mr. Hardman. Mr. Hardman began to have second thoughts on his agreement and on July 23rd, we met with Mr. Hardman again and he decided to back out of the offer and asked us to proceed with the imminent domain process.

Parcel 7 – Cabot II TXIL01 LP

Parcel 7 is located on S. Freeport Parkway and consists of 566 (.013 AC) square feet. This parcel has been acquired at a value of \$1,415, or \$2.50/SF.

Parcel 8 – Kristine Sorokwasz

Parcel 8 is located on 188 S. Freeport Parkway and consists of 6,447 (.148) square feet. This parcel has been acquired at a value of \$32,346.70, or \$5.02/SF.

Legal Review:

This resolution was reviewed by David Dodd on 6/26/2013.

Fiscal Impact:

The funds for the right of way purchase are provided through the Regional Toll Revenue (RTR) fund. The state pays 80% and the city pays 20%. Of the \$85,000 that was offered, the city would be responsible for \$17,000.00.

Recommendation:

The Engineering department recommends approval of this resolution.