



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		11/10/14		
Department:		Engineering		
Department Head:		Jack Carr, P.E.		
Agenda Coordinator (include phone #):			Kathleen Schonne (7198)	
			Project No. 6415	
CAPTION				
<p>An Ordinance of the City of Plano, Texas determining a public necessity to acquire the easement property as described in the attached Exhibit "A", also known as a portion of 1017 E. 15th Street, of the City of Plano, for the public use of the construction of the Centralized Waste Collection Station on 15th Place Project; authorizing the use of the power of eminent domain to condemn the easement property; authorizing the City Manager and City Attorney, or their respective designees, to acquire the property including making initial and bona fide offers, and authorizing the City Attorney to file eminent domain proceedings, if necessary, and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2014-15	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S): N/A				
<p>COMMENTS: This item has no immediate identifiable financial impact – the expense of acquiring the easement will be determined at a later date.</p> <p>STRATEGIC PLAN GOAL: Pursuing the acquisition of an utility easement for a future waste collection station relates to the City's goals of Financially Strong City with Service Excellence and Exciting Urban Centers – Destination for Residents and Guests.</p>				
SUMMARY OF ITEM				
<p>This item modifies the location of a previously authorized 195 sq. ft. utility easement proposed to be located at the southwest corner of the intersection of J Place and 15th Place. The revised location will be approximately three (3) ft. north of the location originally requested, placing the north line of the proposed easement on the south right-of-way line of 15th Place. The subject easement is located on property owned by Michael and Mary Jo Montgomery. The size of the easement has not changed.</p> <p>The City plans to use the easement for the relocation of utilities, as necessary, for the construction of a Centralized Waste Collection Station.</p> <p>https://maps.google.com/maps?q=J+Place+%26+15th+Place,+Plano,+TX,+75074&hl=en&sl=31.168934,-100.076842&ssp=12.168741,23.269043&t=h&hnear=15th+Pl,+Plano&z=16</p>				
List of Supporting Documents: Ordinance; Exhibit A			Other Departments, Boards, Commissions or Agencies N/A	

An Ordinance of the City of Plano, Texas determining a public necessity to acquire the easement property as described in the attached Exhibit “A”, also known as a portion of 1017 E. 15th Street, of the City of Plano, for the public use of the construction of the Centralized Waste Collection Station on 15th Place Project; authorizing the use of the power of eminent domain to condemn the easement property; authorizing the City Manager and City Attorney, or their respective designees, to acquire the property including making initial and bona fide offers, and authorizing the City Attorney to file eminent domain proceedings, if necessary, and providing an effective date.

WHEREAS, the City Council of the City of Plano, Texas, (the “City Council”) upon consideration of this matter, has determined that there is a public need and necessity for the health, safety, and welfare of the City of Plano and the public at large to acquire a utility easement (the “Easement”) in the general form and on the property attached hereto as Exhibit “A”, also known as 1017 E. 15th Street, (the “Property”) and incorporated herein for all purposes, located within the City of Plano, Collin County, Texas for the purpose of, among other things, the construction, access, repair, relocation, maintenance, and replacement of the improvements and related appurtenances, which are necessary for the Centralized Waste Collection Station on 15th Place (the “Project”) collectively (the “Public Uses”); and

WHEREAS, the City Council finds that the description of the Property, attached hereto as Exhibit “A” to be acquired by eminent domain for the Project, complies with applicable law in that the same provides the property owners in and around the area reasonable notice that the owner’s property may be subject to condemnation proceedings during the planning or construction of the Project; and

WHEREAS, the City Council has further investigated and determined that the Project constitutes a public use for a public purpose; and

WHEREAS, the City is required to make an initial offer as defined by and in compliance with Texas Property Code §21.0111 (“Initial Offer”) and a bona fide offer, as defined by and in compliance with Texas Property Code §21.0113 (“Bona Fide Offer”) to acquire the Easement on the Property for public use, voluntarily, from the subject landowners prior to moving forward with the acquisition by eminent domain; and

WHEREAS, the City Council now deems it necessary to authorize the City Attorney to initiate condemnation proceedings in order to acquire the necessary Easement;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The City Council hereby finds and determines that the recitals made in the preamble of this Ordinance are true and correct, and incorporates such recitals into the body of this ordinance as if copied in their entirety.

Section II. The City Council hereby finds and determines that a public use and necessity exists for the Public Uses and authorizes acquisition of the necessary property rights in and to the Property for such purposes, as allowed by law, together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of lands.

Section III. The City Council authorizes the City Attorney or her designee to negotiate for and to acquire the required property rights for the City, and to acquire said rights in compliance with State and any other applicable law. Moreover, the City Attorney, or designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to retain and designate a qualified appraiser of the property interests to be acquired, as well as any other experts or consultants that she deems necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

Section IV. The City Manager, or designee, is appointed as negotiator for the acquisition of the needed property interests and, as such, the City Manager or designee is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the City Council for such purpose. Further, the City Manager or designee is specifically authorized to establish the just compensation for the acquisition of the Property. Additionally, if the City Manager or designee determines that an agreement as to damages or compensation cannot be reached, then the City Attorney or designee is hereby authorized and directed to file or cause to be filed, against the owner(s) and interested parties of the needed property interests, proceedings in eminent domain to acquire the above-stated interests in the Property.

Section V. This Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 10th day of November, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

*Oncor Electric Delivery, LLC Easement
195 Square Feet
Joseph Klepper Survey, Abstract No. 213
City of Plano, Collin County, Texas
September 22, 2014*

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the Joseph Klepper Survey, Abstract No. 213, being part of Lot 9, Block 4, Old Donation to the City of Plano with said Lot described in Volume 4804, Page 0187 of the Collin County Land Records with said premises being more particularly described as follows:

BEGINNING at a Huitt-Zollars capped iron rod found marking an angle break in the south right-of-way line of 15th Place and marking the northeast corner of said Lot 9, from which a Roome capped iron rod bears South 00°27'35" East, 3.26 feet;

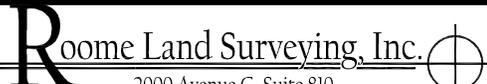
THENCE with the east right-of-way line of 15th Place and the east line of said Lot 9, South 00°27'35" East passing at 3.26 feet the northwest corner of Lot 10, Block 4 of said Old Donation, and the northwest corner of a 1,592 square foot Permanent Access and Utility Easement to the City of Plano as recorded under County Clerk No. 20140328000290810 of the Collin County Land Records, and continuing with the east line of Lot 9, the east line of said premises, the west line of Lot 10, and the west line of said 1,592 square foot Permanent Access and Utility Easement tract, a total distance of 15.00 feet to a point marking the southeast corner of said premises;

THENCE with the south line of said premises, South 87°22'52" West, 13.00 feet to a point marking the southwest corner of said premises;

THENCE with the west line of said premises, North 00°27'35" West, 15.00 feet to a point marking the northwest corner of said premises and being in the south right-of-way line of 15th Place and the north line of said Lot 9;

THENCE with the south right-of-way line of 15th Place, the north line of said Lot 9, and the north line of said premises, North 87°22'52" East, 13.00 feet to the point of beginning and containing 195 square feet of land.

Source bearing per 1,592 square foot parcel as recorded under County Clerk No. 20140328000290810 of the Collin County Land Records;



Oncor Electric Delivery, LLC Easement

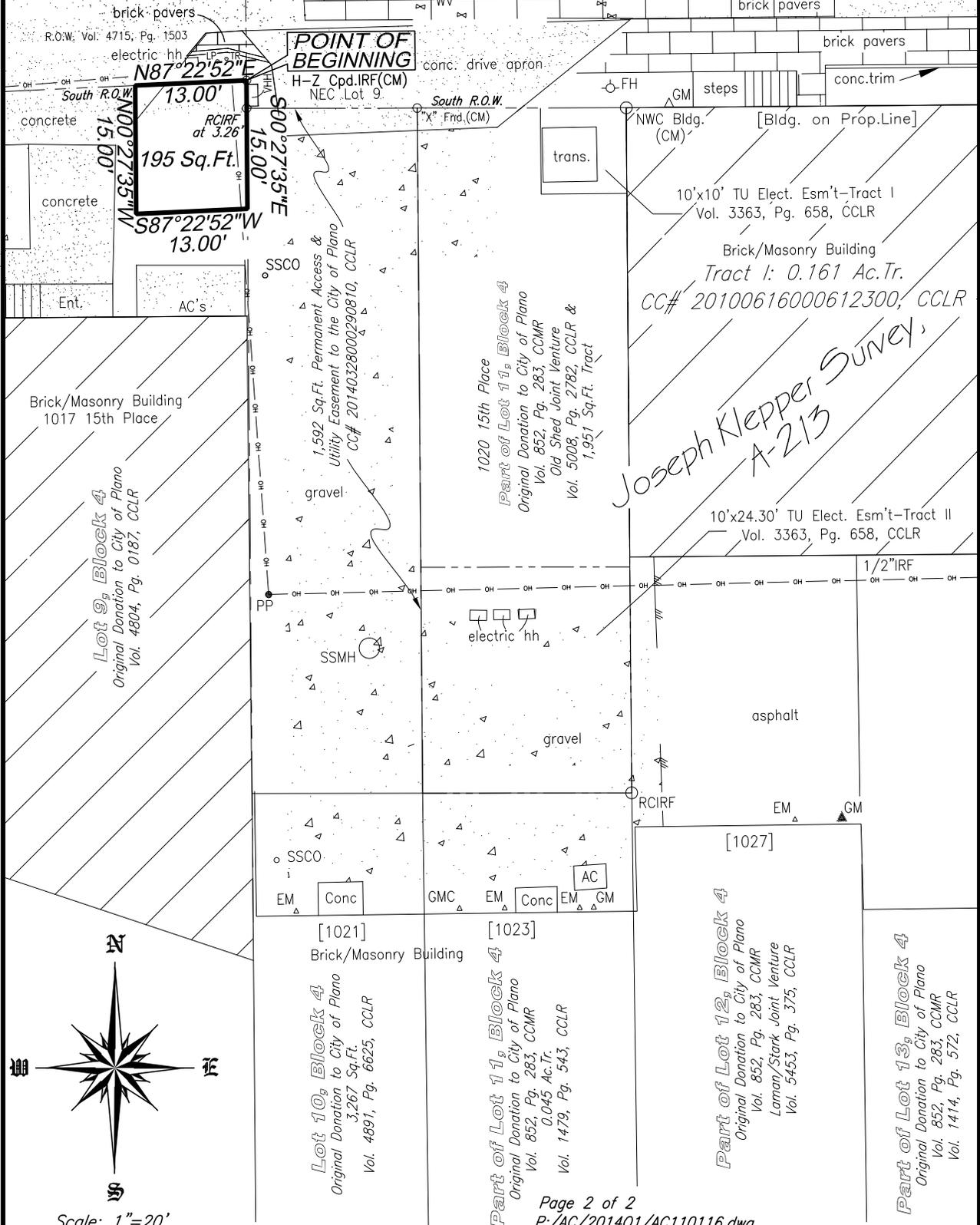
195 Sq.Ft.

Joseph Klepper Survey, A-213

City of Plano, Collin County, Texas

September 22, 2014

15th Place (Variable width R.O.W.)



Scale: 1"=20'

Roome Land Surveying, Inc.

2000 Avenue G, Suite 810
Plano, Texas 75074

Phone (972) 423-4372 / Fax (972) 423-7523

www.roomesurveying.com

Note: A description of even date accompanies this exhibit.