



It's real.

MEMORANDUM

To: City of Seguin Mayor and Council
From: Andy Quittner, City Attorney *AQ*
Date: April 29, 2020
Re: Resolution authorizing the use of eminent domain in the purchase of specific easements for the FM 758 Sanitary Sewer Extension Project

In November 2019, City Council approved a Resolution authorizing City staff to proceed with the negotiation and purchase of Easement necessary for the FM 758 Sanitary Sewer Project (the "Project). This Project involves extending a new sewer line from Link Road to an area near Harborth Road (along Highway 123) along with rehabilitation and increased sizing of the lines from Link Road to IH-10.

The Project requires easement from approximately 40 properties. To date a number of easements have been purchased and negotiations on the remaining are close to becoming final. Two properties are problematic and will very likely go to eminent domain proceedings.

The two properties subject to this Resolution are owned or controlled by Arvindbhai and Dhruvi Patel. One is hotel property and the other is vacant. The appraised value for the easements on the vacant property is \$56,400.00, but the Patels have demanded \$126,000. We countered with \$60,000, however Mr. Patel has not responded or provided any basis for his valuation. Likewise with the hotel property, the appraised value is \$48,000 and they have requested \$103,000. The City's \$55,000 counter was not accepted, nor has any evidence of the increase valuation been presented.

The resolution before the Council is to grant permission to carry on the easement acquisition process using eminent domain, if necessary.

Staff recommends approval of the Resolution.