



It's real.

MEMORANDUM

To: City of Seguin Mayor and Council
From: Andy Quittner, City Attorney *AQ*
Date: March 6, 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 first property is owned by Mr. Jose Samuel A. Abreu-Sanchez. Contact with the property owner has been difficult as no response was received. Mr. Arthur Ardaga, the City's consultant, finally contacted, in person, people living on the property. They were not the owner, but gave Mr. Ardaga information for contacting Mr. Abreu-Sanchez, who is working in Indiana. Contact with him has been futile, as he neither answers nor returns calls. Additionally, he has not responded to mail.

The second property consists of our adjacent parcels owned by William T. and Patricia A. Fundurburg. The City made an offer in the amount of \$61,500.00 for the easements which is in accordance with the value determined by its appraiser. The Fundurburg's countered with an amount more than double the City's offer. The City increased its offer (to \$70,000); however, the Funderburg's have not responded or shown any indication that they will negotiate.

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.