



**It's real.**

## MEMORANDUM

To: City of Seguin Mayor and Council

From: Andy Quittner, City Attorney *AQ*

Date: November 19, 2020

Re: Resolution authorizing negotiation and purchase, including the use of eminent domain, for obtaining right-of-way and drainage easements for the MPO project: Rudeloff Road Phase I

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The City was awarded grant funding from the Alamo Area Metropolitan Planning Organization through the TxDOT Transportation Improvement Plan to rebuild the first phase of Rudeloff Road reconstruction from Highway 46 to Huber Road (Phase II will take the reconstruction from Huber Road to Highway 123, to be funded at a later date).

The cost of the project is approximately \$11,700,000.00 with the City providing a 20% match. Additionally, the City is responsible for the obtaining, and paying for, easements necessary for the project. The project will increase the number of lanes and provide for bicycle and pedestrian areas along the route necessitating the acquisition of additional right-of-way. Drainage improvements to low water crossings will also require additional easement property.

Design of the construction plans has reached the point where the route is established and easement acquisition should begin. The attached Resolution authorized city staff to begin the acquisition process. The first step, after all the surveys are complete, is to appraise each acquisition using a third-party fee appraiser. Once the appraisal is complete a copy of that along with an offer based on the full amount of appraisal will be sent to each property owner. The City negotiates with each owner and uses eminent domain only in cases where a reasonable price cannot be negotiated, or in a case where ownership isn't clearly settled or a lien holder, such as the IRS, mandates such action.

City staff recommends passing this Resolution.