



MEMORANDUM

To: Mayor and City Council

From: Andy Quittner, City Attorney

Date: August 23, 2017

Subject: Resolution to acquire a 0.250 parcel of land along with a 0.165 acre temporary construction easement including the use of eminent domain proceedings to do so

Earlier this year the City purchased the old Clear Springs Wastewater Treatment Plant from GBRA. The plant is located off Highway 123 Bypass at Pecan Orchard Road. The Plant is at least 40 years old and is located in the flood plain. The purchase was made in order to better serve customers south of the river without having to pay GBRA for their service operating the plant. The City's present and future sewer service in that area can be easily handled by installing a lift station and pumping over to the City's existing system.

To build the lift station the City needs 0.25 acres of land, and two easements along Highway 123. The Easements have been obtained; however, to date, staff has been unable to reach an agreement with Mr. and Mrs. Schacht for their land (the land is, at this time, undeveloped).

The City's appraiser valued the taking at \$20,321.00 (with \$719.00 of that figure for the temporary construction easement) – which amounts to \$78,408 per acre (or 1.80 per square foot). The City's initial offer was at the full appraised price. Mr. Schacht submitted a counter offer of \$36,770.00 (which would be more than \$4.00 per square foot). The counter-offer was not supported by any useable evidence. In response the City sent a final offer of \$21,500.00. No response has been received to the final offer.

As a result the Resolution under consideration grants permission to complete the purchase process including the use of eminent domain. Absent a response to this action and the City's final offer, eminent domain proceedings will be filed within two weeks.