



## **AGENDA MEMORANDUM**

First Reading for the City Council Meeting of June 13, 2017  
Second Reading for the City Council Meeting of June 20, 2017

**DATE:** May 26, 2017

**TO:** Margie C. Rose, City Manager

**THRU:** Mark Van Vleck, Assistant City Manager  
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**Ordinance for the acquisition of real property rights  
by eminent domain for the  
Rodd Field Road Expansion Project**

**CAPTION:**

An ordinance of the City Council of the City of Corpus Christi, Texas (1) determining the public necessity and public use for the acquisition of Right-of-Way Easements, Temporary Construction Easements and fee simple property rights for a street improvement project known as the Rodd Field Road Expansion Project, generally from Saratoga Boulevard to Yorktown Boulevard (Bond 2014); (2) authorizing the City Manager or designee to negotiate and execute all documents necessary to acquire the property interests subject to availability of funds appropriated for such purposes; (3) authorizing the City Manager to institute condemnation by eminent domain proceedings to acquire easement and fee simple property interests in the properties within the project area depicted on the Project Location Map; (4) authorizing payment pursuant to an award by special commissioners; (5) authorizing acceptance and recording of appropriate legal instruments; and (6) approving condemnation for all units of property to be acquired by condemnation herein by a single record vote of the City Council.

**PURPOSE:**

This Ordinance fulfills the legal requirement that a municipality, through its governing body, must first pass a vote through an ordinance or resolution which declares the public use and public necessity for a project. The passage of the Ordinance by the governing body (City Council) authorizes the City Manager or her designee to negotiate the acquisition of property rights, execute all real estate purchase contracts and instruments. It also allows the City Manager, City Attorney or designee to proceed with eminent domain proceedings if negotiations for parcel acquisitions should reach an impasse.

## **BACKGROUND AND FINDINGS:**

The intersection of Rodd Field Road and Yorktown Boulevard is a critical part of the overall Bond 2014 Rodd Field Road Expansion Project from Saratoga Boulevard to Yorktown Boulevard. The intersection at Rodd Field Road and Yorktown Boulevard is an unimproved area with insufficient right-of-way necessary for the new multi-lane signalized intersection. The design for this project is complete with new curb and gutter, sidewalks, ADA ramps, cycle tracks, medians, signage and pavement markings.

The designed intersection improvements require the acquisition of right-of-way within the area shown on the attached Project Site map. The City's design consultant, LJA Engineering, has provided parcel descriptions for two parcels of land needed. Parcel 1, owned by Del Mar College, is located at the northeast corner of the intersection and contains .0917 acres of land. Parcel 2, owned by Nuss Family Partnership Ltd., et al, is located at the northwest corner and contains 1.297 acres of land. City staff will proceed to acquire appraisals and present formal offers of compensation to the owners of record upon passage of this Ordinance. Staff will negotiate in good faith and make all reasonable efforts to acquire these easement or fee simple property rights through negotiations.

On September 1, 2011, Texas Senate Bill 18 (SB18) was enacted and requires all entities with eminent domain authority to follow certain procedures prior to initiating eminent domain proceedings under Section §21.012 of the Texas Property Code. These new procedures are more restrictive on the condemning authorities and stipulate certain requirements. One of them is the requirement of a vote on the use of eminent domain by a governmental entity under Section 2206.052 of the Texas Government Code. This ordinance and the motion to adopt it are in a form required under Senate Bill 18 and other state law requirements.

## **ALTERNATIVES:**

No alternatives are available for a governmental entity to be able to use of its power of eminent domain. Under Texas law, Council must adopt a resolution or ordinance at a public meeting by a record vote delegating its authority.

## **OTHER CONSIDERATIONS:**

None

## **CONFORMITY TO CITY POLICY:**

The Ordinance conforms to the City Charter, Code of Ordinances, Article X, General Powers and Provisions, Section 1. The ordinance and the motion adopting it conform to Senate Bill 18 (SB18), Chapter 21 of the Property Code, and Chapter 2206.052 of the Government Code.

## **EMERGENCY / NON-EMERGENCY:**

Non-Emergency

## **DEPARTMENTAL CLEARANCES:**

Engineering Services

**FINANCIAL IMPACT:**☐ Operating☐ Revenue☐ Capital☒ Not applicable

<b>Fiscal Year 2016-2017</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

**Comments:** None**RECOMMENDATION:**

Staff requests Council passage of the Ordinance as presented.

**LIST OF SUPPORTING DOCUMENTS:**

Location Map  
Presentation  
Ordinance