



City Council A-Session

Item 25 – Real Estate Acquisition: 2022 Bond Projects - Bulverde Road (Green Spring to Redland) and Wurzbach Road at Vance Jackson Road

June 20, 2024

Razi Hosseini, P.E., R.P.L.S., Director/City Engineer, Public Works Department

Real Estate Acquisition Request

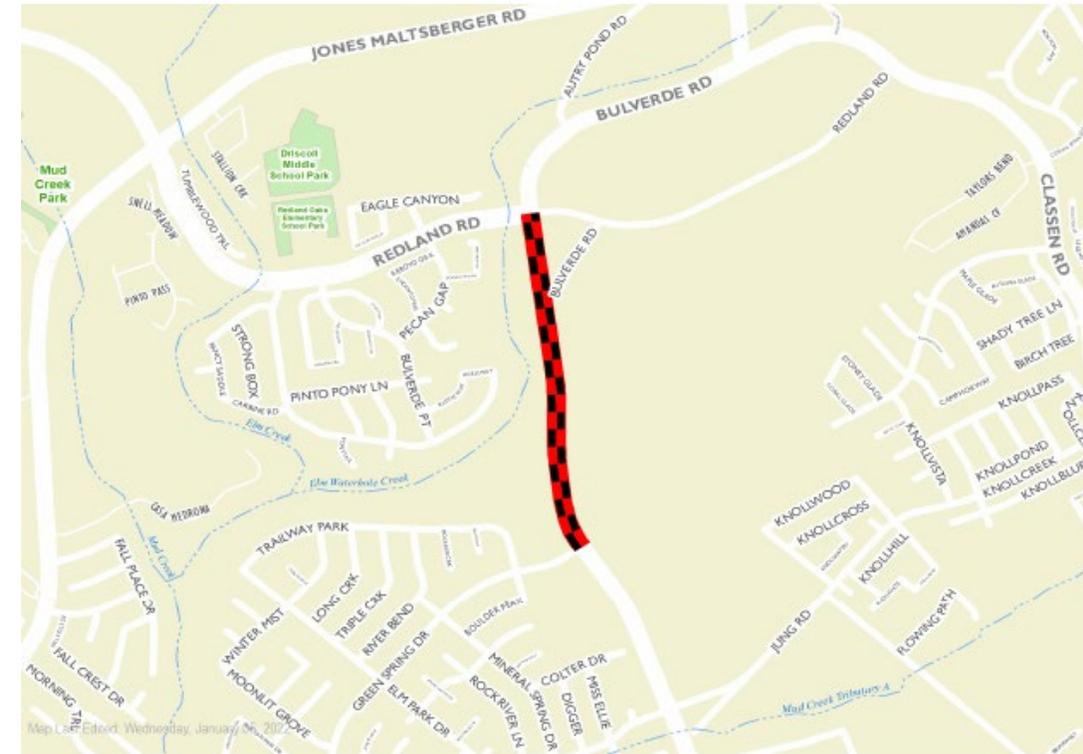
- Approving the acquisition, through negotiation or condemnation, of the following permanent and temporary parcels of privately owned property for public use for the Bulverde Road (Green Spring to Redland) and Wurzbach Road at Vance Jackson (Intersection Improvements) 2022 Bond Program projects:
 - Three (3) permanent parcels totaling 1.775 acres and four (4) temporary construction easements totaling 0.423 of an acre on **Bulverde Road from Green Spring to Redland** in Council District 10.
 - Three (3) permanent parcels totaling 0.187 acres located on **Wurzbach Road at Vance Jackson** in Council Districts 1 & 8.
- Pursuant to Texas Government Code Section 2206 and Texas Property Code Chapter 21, this item requires the City Council to initiate a motion authorizing the use of power of eminent domain, should it be needed.

Bulverde Road (Green Spring to Redland) –



Project Details

- Voter approved 2022 Bond Program authorized \$13,000,000 to construct Bulverde Road Phase 2 roadway improvements to include sidewalks, drainage, bicycle facilities and other improvements as applicable and within available funding.
- Construction is anticipated to begin Summer 2025 and to be complete by Fall 2027.
- In January 2024, staff started acquisitions of portions of ten (10) parcels fronting the right-of-way (5 permanent fee simple portions and 5 temporary construction easements).
- Fair market value was determined by independent appraisal.



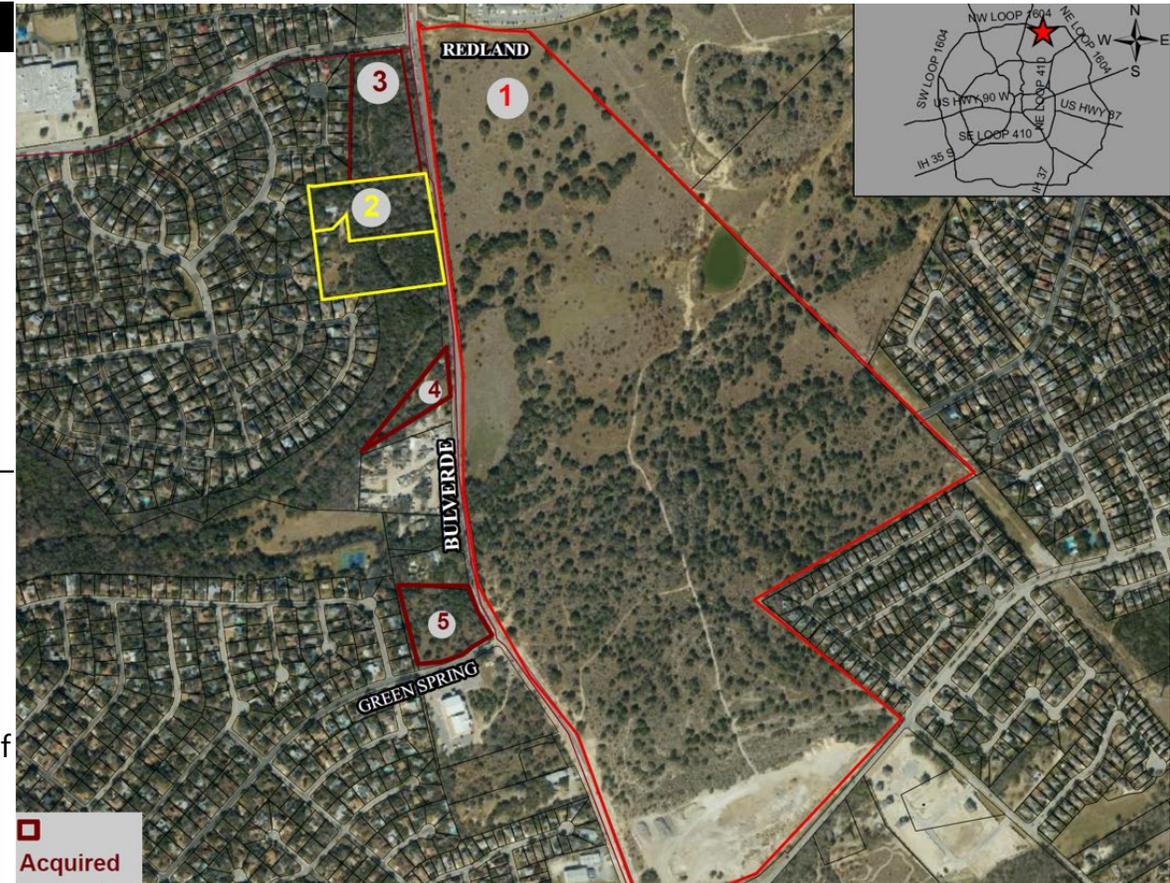
Bulverde Road (Green Spring to Redland) –



Acquisition Details

- Parcel portions for 3, 4 & 5 have been successfully acquired.
- Parcel portions for 1 & 2 are pending while communication and negotiations continue.

#	Owner Name	Parcel Request	Status
1	Pape Family (David N. Pape, Jeffrey Pape, Rose E Pape, Grady C. Pape)	<ul style="list-style-type: none"> • 1,509-acre fee simple tract out of a 200+ acre tract fronting the right of way. • 3 temporary construction easements (0.174-acre, 0.113-acre and 0.115-acre) totaling 0.402-acre out of a 200+ acre tract fronting the right of way. 	Initial and final offers mailed. Received letter of representation directing all communication through the family's attorney. Staff provided the appraisal. No further communication.
2	Milton J. Eisenhauer	<ul style="list-style-type: none"> • Two fee simple tracts totaling 0.266-acres (0.094-acre & 0.172-acre) fronting the right of way. • 0.021-acre temporary construction easement out of a 5-acre tract fronting the right of way. 	Initial and final offers mailed. Received letter of representation through the family's attorney. Site meeting on May 28, 2024 with city, owners & attorney. As requested, City staked the acquisition and provided a copy of the project plans. Continue to communicate and follow-up with owner.



Wurzbach Road at Vance Jackson Intersection -



Project Details

- Voter approved 2022 Bond Program authorized \$6,300,000 to acquire property and construct intersection improvements at Wurzbach Road and Vance Jackson Road to include roadway widening and traffic signal upgrades as applicable and within available funding.
- Project will help alleviate congestion.
- Utility construction to begin Fall 2024 followed by City construction to begin Winter 2025.
- In January 2024, staff started acquisitions of portions of six (6) parcels fronting the right-of-way. Fair market value was determined by independent appraisals.



Wurzbach Road at Vance Jackson Intersection -



Acquisition Details

- Parcel portions for 3, 5 & 6 have been successfully acquired.
- Parcel portions for 1, 2 & 4 are pending while communication and negotiations continue.

#	Owner Name	Parcel Request	Status
1	Oak Ridge Baptist Church	0.117-acre fee simple tract out of a 4.88-acre tract.	Initial offer mailed. Negotiating with the owner on cost to relocate church sign and decorative wall/gate and repave/remark parking lot impacted by the project. Pending quotes from church. Continue to negotiate.
2	Commercial Strip Center Gabimar Enterprises Inc	0.049-acre fee simple tract out of a .7080-acre tract.	Initial and final offers mailed. Continue to reach out to owner. Project Manager is exploring redesign to reduce impact.
4	Walgreens Ghay Sudheer & Satinderpal & Quick Stop Leesburg LLC	0.021-acre fee simple tract out of a .942-acre tract.	Initial offer mailed. Owner requested a Certificate of Determination stipulating that a replat is not required due to City's purchase. DSD issued and Walgreens is reviewing. Continue to follow-up with owner.



Acquisition Process

- Staff often communicates with property owners over the phone or in person, in addition to the letters.
- Majority of acquisitions are successful without the need to exercise eminent domain.
- City will use every effort available to obtain the land through good faith negotiations, but may require eminent domain if negotiations are not successful.

General Acquisition Process	Eminent Domain Process
<ol style="list-style-type: none"> 1. Letter #1 Introduction Letter - Initial outreach to property owner with project information, City contact, and Texas Landowner's Bill of Rights. 2. Letter #2 Initial offer is mailed with project information, City contact, and initial financial offer for property based on independent appraisal. 3. Letter #3 Final offer is mailed with project information, City contact, and final financial offer for property based on independent appraisal. <p>Successful negotiations result in an executed purchase agreement and payment to the owner.</p>	<ol style="list-style-type: none"> 1. City Ordinance authorizes eminent domain. 2. City Attorney's Office (CAO) files petition to place the item on the court docket and records a <i>Lis Pendens</i> notice. 3. CAO sends certified letter to property owner that petition with the court has been filed. 4. CAO contacts property owner &/or representative and attempts to reach a settlement prior to court. 5. Court appoints three special commissioners. 6. Special commissioners set hearing date. 7. Commissioner's Hearing takes place with ruling and final award. Either party can appeal the award. 8. City deposits commissioner's award in the Court Registry. 9. City has possession and use to construct.

City Council A-Session



PUBLIC WORKS

**Item 25 – Real Estate Acquisition: 2022 Bond Projects - Bulverde Road (Green Spring to Redland)
and Wurzbach Road at Vance Jackson Road**



Reference Slides