



City Council A-Session

Item 12 – Real Estate Acquisition: Brookside Outfall (Esma Phase 2)

April 3, 2025

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

Brookside Outfall (Esma Phase)

Acquisition Details



- Ordinance authorizing the acquisition, through negotiation or condemnation, the following fee simple parcels and drainage easements for Brookside Outfall, a 2022 Bond Program Project.
 - Three (3) permanent fee simple parcels
 - Four (4) drainage easements
- Staff started acquisitions in April 2024 and fair market value was determined by an independent appraisal.
- 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.
- City will use every effort available to obtain the required land through good faith negotiations but may require eminent domain if negotiations are unsuccessful or for title remedy.

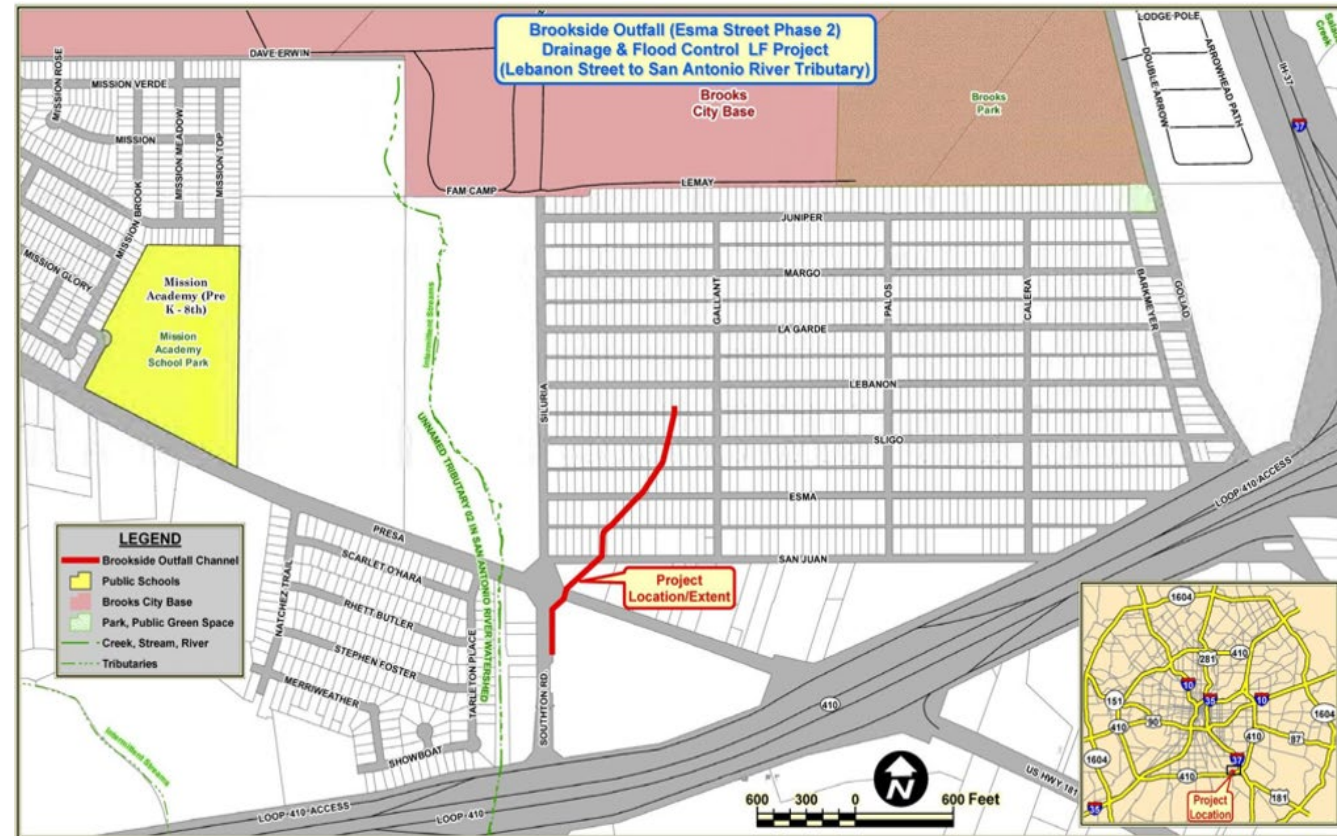


Brookside Outfall (Esma Phase)

Project Details



- 2022 Bond Program authorized \$4,150,000 and Storm Water Regional funds appropriated \$4,150,000 for a total \$8,300,000 to construct channel improvements, culvert replacements and associated roadway reconstruction from Sligo Street to S. Presa.
- This is a multi-phase and Hazard Mitigation Action Plan project.
- Construction is anticipated to begin in Winter 2026 and complete Summer 2027.

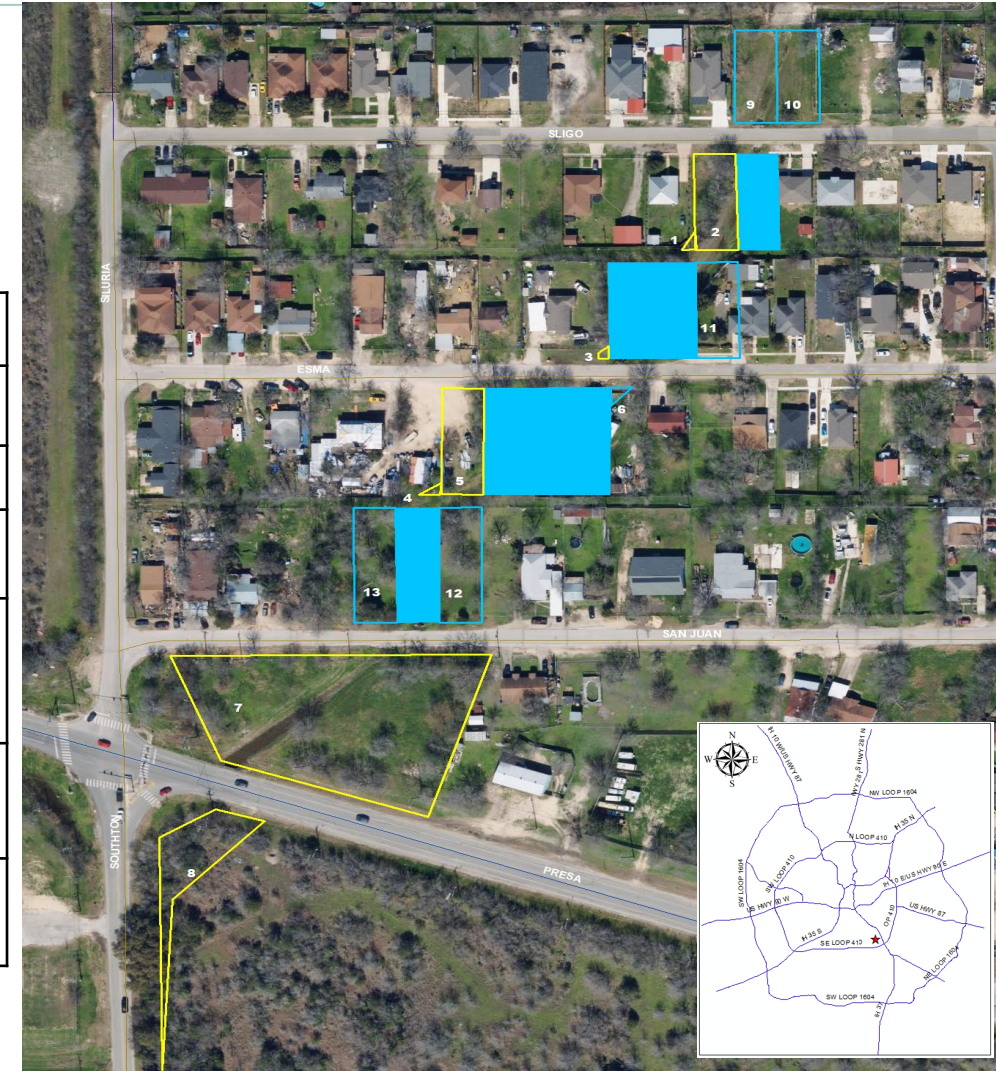


Real Estate Acquisition Request



- Six (6) properties have been acquired (blue outline) & blue are already city-owned.
- Seven (7) acquisitions which include three (3) permanent fee simple parcels & four (4) drainage easements for parcels are shown below.

No.	Owner name	Parcel Request	Status
1	Eduardo Fernandez	150 sq ft drainage easement.	Offers mailed. No response from property owner.
2	Arturo Hernandez	Fee simple.	Offers mailed. No response from property owner.
3	Gabriela Benita Saucedo	237 sq ft drainage easement.	Offers mailed. No response from property owner.
4	Adelaido Dias	Fee simple parcel and 164 sq ft drainage easement.	Owner is deceased. Working with family representative. Warranty deed and affidavit of heirship provided to title company. Requires condemnation to clear title and purchase.
5			
7	Weidner Star, Inc.	Fee simple parcel.	Offers mailed to acquire fee simple. Working with property owner's attorney. Verified w/DSD no development plans on record to include corner.
8	Leslie Family	6,600 sq ft drainage easement.	Offers mailed acquiring larger easement. Verified w/DSD no development plans on record to include corner.





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.

General Acquisition Process	Eminent Domain Process
<div><div><div>1. Letter #1 Introduction Letter - Initial outreach to property owner with project information, City contact, and Texas Landowner’s Bill of Rights.</div><div>2. Letter #2 Initial offer is mailed with project information, City contact, and initial financial offer for property based on independent appraisal.</div><div>3. Letter #3 Final offer is mailed with project information, City contact, and final financial offer for property based on independent appraisal.</div></div><div>Successful negotiations result in an executed purchase agreement and payment to the owner.</div></div>	<div><div><div>1. City Ordinance authorizes eminent domain.</div><div>2. City Attorney’s Office (CAO) files petition to place the item on the court docket and records a <i>Lis Pendens</i> notice.</div><div>3. CAO sends certified letter to property owner that petition with the court has been filed.</div><div>4. CAO contacts property owner &/or representative and attempts to reach a settlement prior to court.</div><div>5. Court appoints three special commissioners.</div><div>6. Special commissioners set hearing date.</div><div>7. Commissioner’s Hearing takes place with ruling and final award. Either party can appeal the award.</div><div>8. City deposits commissioner’s award in the Court Registry.</div><div>9. City has possession and use to construct.</div></div></div>

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PUBLIC WORKS

**Item 12 – Real Estate Acquisition: Brookside
Outfall (Esma Phase 2)**