



City Council A-Session

Item #19 - Classen Road (Classen Spur to Knollcreek Drive), a 2022 Bond Program funded project, acquisition.

December 12, 2024

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

Real Estate Acquisition Request

- Ordinance approving the acquisition, through negotiation or condemnation, of the following permanent and temporary parcels of privately-owned property for public use for the Classen Road (Classen Spur to Knollcreek Drive), a 2022 Bond Program project.
 - One (1) drainage easement
 - Five (5) right of way easements
 - Eight (8) temporary construction easements
- 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.

Classen Road Project

Project Details



- 2022 Bond Program authorized \$10,000,000 to construct sidewalks, curbs, driveway approaches, bicycle facilities, and drainage as applicable and within available funding.
- Utility construction will begin Spring 2025 and City construction will begin Winter 2026 and complete Spring 2027.

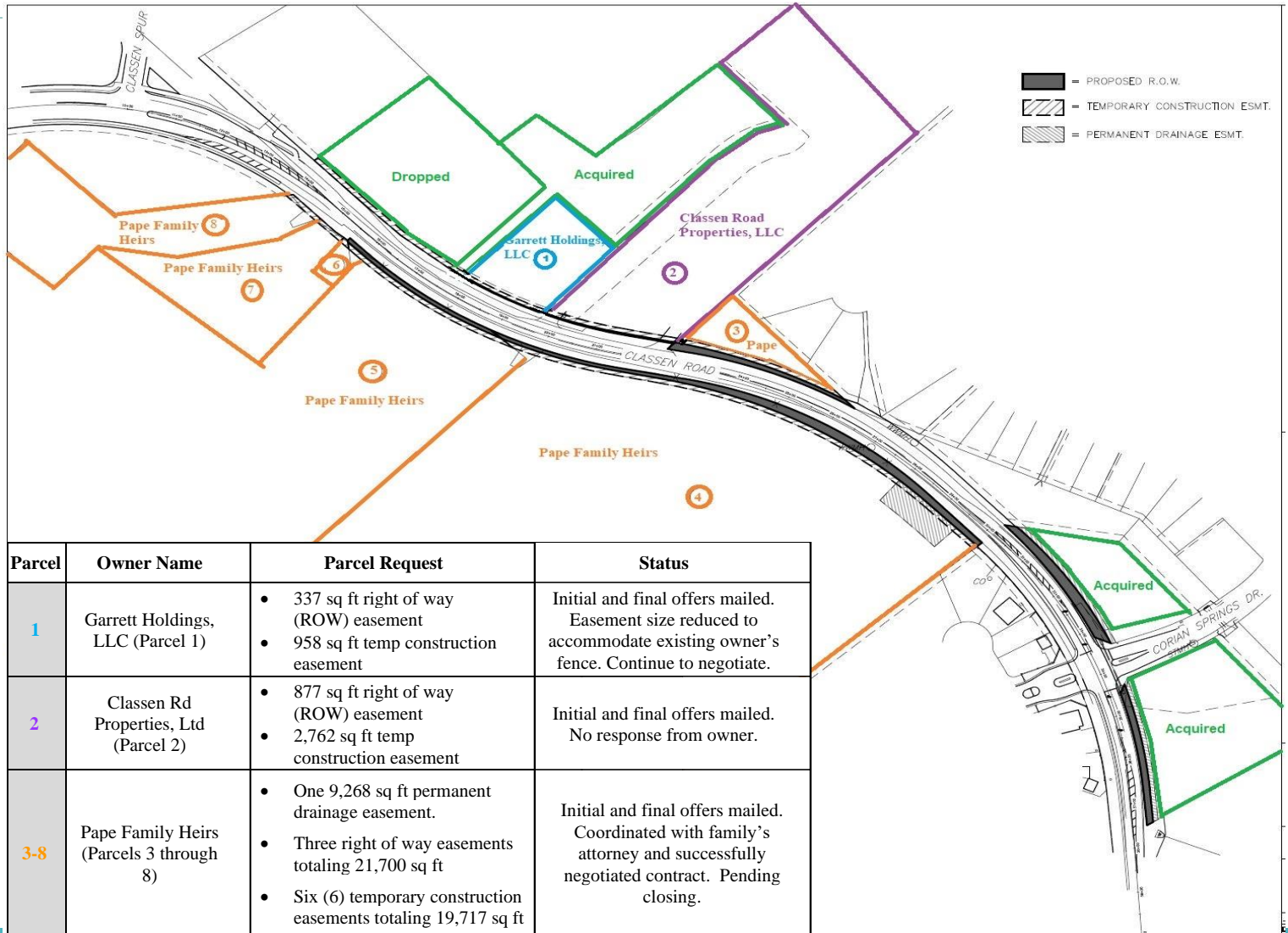


Classen Road Project

Acquisition Details



- Property acquisitions started in April 2024.
- Five (5) property interests acquire, and one property interest no longer needed (green parcels).
- Acquisition of property interests in parcels 1-8 are pending while negotiations continue.
- City will use every effort to obtain property interests through good faith negotiations but may require eminent domain if negotiations are not successful.



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
<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.

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PUBLIC WORKS

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