



City Council A-Session

Item 11 – Real Estate Acquisition: District 9 Traffic & Mobility Improvements (Stone Oak Area)

April 3, 2025

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

D9 Traffic & Mobility Improvements (Stone Oak Area)

Acquisition Details



- Ordinance authorizing the acquisition, through negotiation or condemnation, the following permanent right of way and temporary construction easements for District 9 Traffic & Mobility Improvements (Stone Oak Area), a 2022 Bond Program project.
 - Six (6) permanent right of way easements
 - Four (4) temporary construction easements
- Staff started acquisitions May 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.

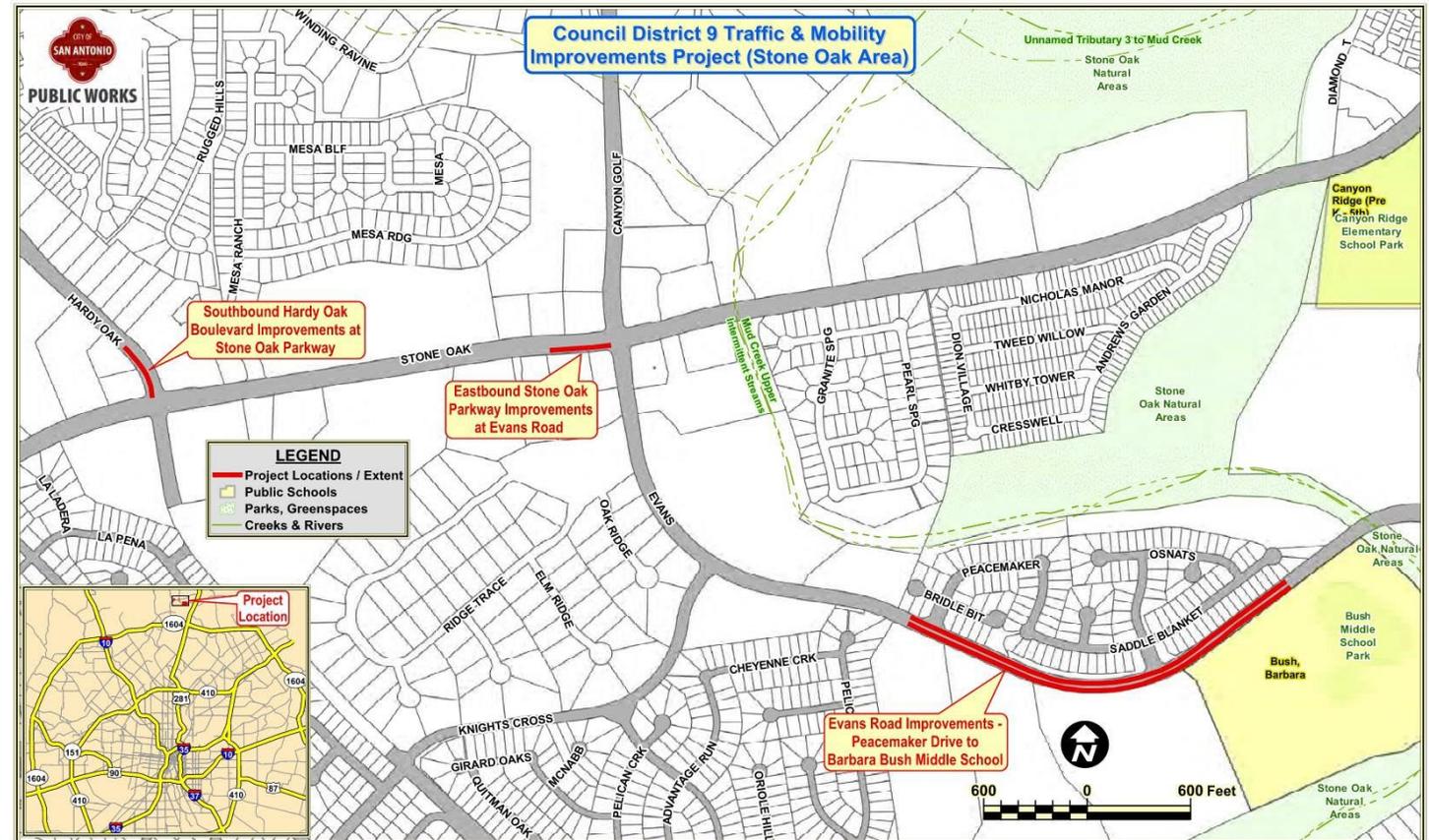


D9 Traffic & Mobility Improvements (Stone Oak Area)

Project Details



- 2022 Bond Program authorized \$5,000,000 to construct roadway improvements to include turn lane bays, new traffic signals and modifications to existing medians.
 - Right only turn bay from Hardy Oak onto Stone Oak Parkway
 - Right only turn bay from Stone Oak onto Evans Road
 - Operational improvements on Evans Road from Peacemaker to Barbara Bush Middle School to include a new traffic signal, new pedestrian signals and median modifications.
- Construction is anticipated to begin Fall 2025 and complete Winter 2027.

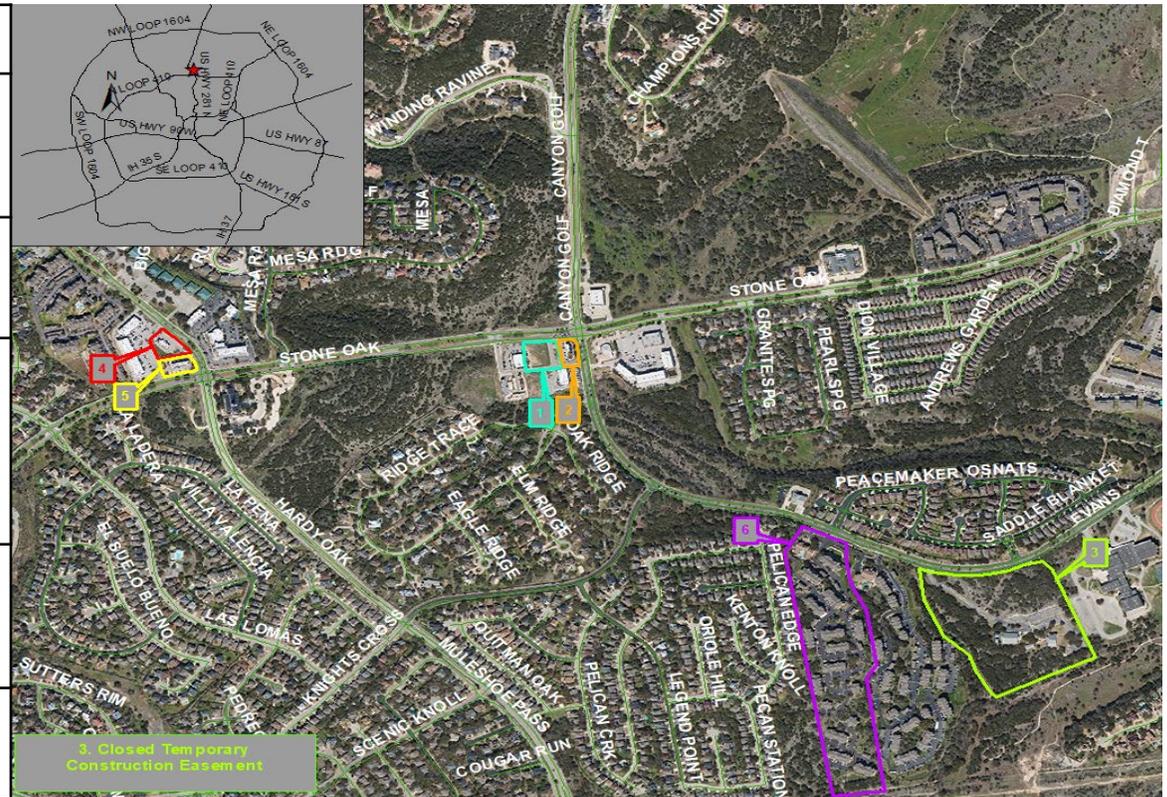


Real Estate Acquisition Request



- One (1) temporary construction easement for Parcel 3 has been acquired.
- Ten (10) acquisitions which include six (6) right of way easements & four (4) temporary construction easements for parcels 1, 2, & 4-6 are pending as shown below.

No.	Owner name	Parcel Request	Status
1	7-Eleven	1,308 sq ft right of way easement & one 2,138 sq ft temporary construction easement.	Purchase agreement executed, pending closing.
2	Digby Partners, LLC (Starbucks)	1,276 sq ft right of way easement & 849 sq ft temporary construction easement.	Initial and final offers mailed. Site visit conducted. Working with owner's legal representative.
4	Rafter SOHO, LLC (Kneaders Bakery)	1,181 sq ft right of way easement & one 483 sq ft temporary construction easement.	Initial and final offers mailed. Project manager is working w/design consultant to phase in temporary construction easement needs to minimize impact to parking.
5	McDonalds Real Estate Company	1,842 sq ft right of way easement & one 863 sq ft temporary construction easement.	McDonalds ordered an independent survey to identify items that will be impacted to provide impacts & estimates.
6	Mission Hills Apartments Holdings, LLC	Two right of way easements (170 sq ft & 50 sq ft)	Purchase agreement executed, pending closing.





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

Item 11 – Real Estate Acquisition: District 9 Traffic & Mobility Improvements (Stone Oak Area)