



## Legislation Details (With Text)

**File #:** 19-1361      **Version:** 1      **Name:**

**Type:** CONSENT AGENDA      **Status:** Approved

**File created:** 8/29/2019      **In control:** Water Utilities Department

**On agenda:** 9/25/2019      **Final action:**

**Title:** Authorize (1) settlement in lieu of proceeding further with condemnation in the condemnation proceeding/lawsuit The City of Dallas v. LG East Ross, LLC, a Texas Limited Liability Company, et al., pending in Dallas County Court At Law No. 2, Cause No. CC-19-00248-B, for acquisition from LG East Ross, LLC, et al., of a subsurface easement under approximately 11,455 square feet of land located on Ross Avenue at its intersection with Washington Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project, in the amount of \$150,000.00; and (2) the deposit of the settlement amount of \$150,000.00 - Not to exceed \$153,500.00 (\$150,000.00 being the settlement amount plus closing costs and title expenses not to exceed \$3,500.00) an increase of \$69,815.00 from the amount Council authorized in the second resolution for this acquisition - Financing: Flood Protection and Storm Drainage Facilities Fund (2006 Bond Funds)

**Sponsors:**

**Indexes:** 14

**Code sections:**

**Attachments:** 1. Map, 2. Resolution, 3. Exhibit A

Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** September 25, 2019

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

### SUBJECT

Authorize (1) settlement in lieu of proceeding further with condemnation in the condemnation proceeding/lawsuit The City of Dallas v. LG East Ross, LLC, a Texas Limited Liability Company, et al., pending in Dallas County Court At Law No. 2, Cause No. CC-19-00248-B, for acquisition from LG East Ross, LLC, et al., of a subsurface easement under approximately 11,455 square feet of land located on Ross Avenue at its intersection with Washington Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project, in the amount of \$150,000.00; and (2) the deposit of the settlement amount of \$150,000.00 - Not to exceed \$153,500.00 (\$150,000.00 being the settlement amount plus closing costs and title expenses not to exceed \$3,500.00) an increase of \$69,815.00 from the amount Council authorized in the second resolution for this acquisition - Financing: Flood Protection and Storm Drainage Facilities Fund (2006 Bond Funds)

## **BACKGROUND**

This item authorizes settlement for the acquisition of a subsurface easement under approximately 11,455 square feet of land located on Ross Avenue at its intersection with Washington Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. This settlement will allow acquisition of the property without further condemnation proceedings.

On May 10, 2017, the City Council authorized the purchase of this property, by Resolution No. 17-0761. The property owner was offered \$51,942.00, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer.

On March 16, 2018 a second appraisal was performed to realize the current market value of the property. The appraised amount on this date was \$80,185.00.

On September 12, 2018, the City Council authorized the acquisition of the property interest in and to the property by condemnation, or in any other manner provided by law, by Resolution 18-1286. The property owner was offered \$80,185.00, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City Attorney filed a Condemnation Proceeding/Lawsuit to acquire the property.

On August 5, 2019 the City and LG East Ross, LLC, et al., agreed to a settlement amount of \$150,000.00 to settle the Condemnation Proceeding/Lawsuit subject to City Council approval.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 10, 2017, City Council authorized the acquisition by Resolution No.17-0761.

On September 12, 2018, City Council authorized the acquisition of the property interest in and to the property by condemnation on September 12, 2018 by Resolution 18-1286.

## **FISCAL INFORMATION**

Flood Protection and Storm Drainage Facilities Fund (2006 Bond Funds) - \$153,500.00 (\$150,000.00 being the settlement amount plus closing costs and title expenses not to exceed \$3,500.00)

## **OWNER**

### **LG East Ross, LLC**

Leon Capital Partners, LLC, Manager

Fernando DeLeon, Manager

## **MAP**

Attached