

Legislation Text

File #: 17-591, Version: 2

Presenter/Contact

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SUBJECT:

Discuss and consider approval of a resolution authorizing the use of Eminent Domain Proceedings under Chapter 251 of the Texas Local Government Code and Section 2.03 of the City of New Braunfels Municipal Charter, on the following parcels as part of the Solms/Morningside/Rueckle Road Reconstruction Project:

Parcel 7 described as 0.007 acres and 0.061 acres along with 10,044 Sq. Ft. of Temporary Construction Easement, being a portion of Lot 1A, Block 1, The Meadows of Morningside, Unit One, as recorded in Volume 14, Page 88 of the Map and Plat Records of Comal County, Texas owned by Morningside (New Braunfels) Homeowner's Association, Inc., a Texas not-for-profit corporation.

Parcel 8 described as 0.007 acres and 1,892 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 2, The Meadows of Morningside, Unit One, as recorded in Volume 14, Page 88 and 0.010 acres and 2,934 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 2, The Meadows of Morningside, Unit Two, as recorded in Volume 14, Page 117 of the Map and Plat Records of Comal County, Texas owned by Morningside (New Braunfels) Homeowner's Association, Inc., a Texas not-for-profit corporation.

Parcel 13 described as 0.007 acres and 823 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 12, The Meadows of Morningside, Unit Five, as recorded in Volume 14, Page 130 of the Map and Plat Records of Comal County, Texas owned by Morningside (New Braunfels) Homeowner's Association, Inc., a Texas not-for-profit corporation.

Parcel 24 described as 0.007 acres and 353 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 15, The Meadows of Morningside, Unit Five, as recorded in Volume 14, Page 130 of the Map and Plat Records of Comal County, Texas owned by Morningside (New Braunfels) Homeowner's Association, Inc., a Texas not-for-profit corporation.

Parcel 25 described as 0.050 acres, being a portion of Lot 1A, Block 15, The Meadows of Morningside, Unit Six, as recorded in Volume 14, Page 206 of the Map and Plat Records of Comal County, Texas owned by Morningside (New Braunfels) Homeowner's Association, Inc., a Texas not-for-profit corporation.

Parcel 41 described as 0.025 acres, being a portion of Lot 915, Block 3, Highland Grove, Unit One, as recorded in Document Number 201306002020 of the Map and Plat Records of Comal County, Texas owned by Highland Grove Homeowners Association, Inc.

BACKGROUND / RATIONALE:

The Solms/Morningside/Rueckle Road Reconstruction Project is one of the approved Proposition One projects included in the 2013 Bond Program, which will include Sidewalks, Roadway and Drainage Improvements along Morningside Drive, Solms Road and Rueckle Road.

An offer to purchase right-of-way was sent to the Morningside (New Braunfels) Homeowners

Association and the Highland Grove Homeowners Association on February 14, 2017. Due to restrictions in the homeowners association bylaws regarding transferring property, the City will have to initiate Eminent Domain proceedings in order to acquire title to the properties.

The Homeowners Associations are in agreement with the proceedings and will work with the City throughout the process.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	Strategic Priorities: Continue an ongoing program of infrastructure construction and maintenance.
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FISCAL IMPACT:

Expenditures associated with right-of-way acquisition are a component of the Solms/Morningside/Rueckle Road Reconstruction Project. Therefore, sufficient funds are available to approve the necessary costs associated with Eminent Domain Proceedings.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends initiating Eminent Domain Proceedings to acquire the necessary property rights from the Property Owner.