

## Legislation Details (With Text)

**File #:** 2494      **Version:** 1      **Name:** Public Access Easement  
**Type:** Resolution      **Status:** Passed  
**File created:** 1/27/2016      **In control:** City Council  
**On agenda:** 2/2/2016      **Final action:** 2/2/2016  
**Title:** Consider A Resolution Finding a Public Need and Necessity for the Acquisition of Certain Property Rights from Kansas City Southern Railroad; Authorizing The Execution Of Documents For The Acquisition Of Those Property Rights Necessary For A Public Access Easement For The Construction Of A Pedestrian Walkway To Cross A Portion Of The Kansas City Southern Railroad Right-Of-Way Located In The City Of Carrollton; Declaring The Public Need And Necessity; Authorizing The City Manager To Execute Documents And Take All Necessary Action For The Acquisition Of A Public Access Easement For Public Purposes; Authorizing The City Manager To Establish Just Compensation For The Property Rights To Be Acquired; And Authorizing The City Attorney To Use Eminent Domain To Condemn Property And Take All Steps Necessary To Acquire The Needed Property Rights; And Providing An Effective Date.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution, 2. Exhibit A - Location Map, 3. Exhibit B - Easement Area

Date	Ver.	Action By	Action	Result
2/2/2016	1	City Council	approved	Pass

**CC MEETING: February 2, 2016**

**DATE:** January 27, 2016

**TO:** Leonard Martin, City Manager

**FROM:** Cesar J. Molina, Jr., P.E., Director of Engineering

**Consider A Resolution Finding a Public Need and Necessity for the Acquisition of Certain Property Rights from Kansas City Southern Railroad; Authorizing The Execution Of Documents For The Acquisition Of Those Property Rights Necessary For A Public Access Easement For The Construction Of A Pedestrian Walkway To Cross A Portion Of The Kansas City Southern Railroad Right-Of-Way Located In The City Of Carrollton; Declaring The Public Need And Necessity; Authorizing The City Manager To Execute Documents And Take All Necessary Action For The Acquisition Of A Public Access Easement For Public Purposes; Authorizing The City Manager To Establish Just Compensation For The Property Rights To Be Acquired; And Authorizing The City Attorney To Use Eminent Domain To Condemn Property And Take All Steps Necessary To Acquire The Needed Property Rights; And Providing An Effective Date.**

**BACKGROUND:**

This is a strategic acquisition related to the City's construction of a hike-and-bike trail under the railroad trestle located on the Kansas City Southern railroad tracts as described above. The trail would connect the Mustang Park area to Arbor Creek Middle School and Indian Creek Elementary School, and provide access from

neighborhoods south of the KCS tracks to Hebron High School.

**FINANCIAL IMPLICATIONS:**

Funding is available through the Strategic Community Investment account.

**IMPACT ON COMMUNITY SUSTAINABILITY:**

The addition of a pedestrian walkway will continue trail expansion and continuity, and increase the safety of children using this as a route to school. The trail will not affect railway operations in this area.

**STAFF RECOMMENDATION/ACTION DESIRED:**

Staff recommends the approval of the attached resolution authorizing the City Manager or his designee to take all necessary action for the acquisition of the necessary property rights in the tract of land located approximately 1,300 feet east of KCS Railroad mile no. 82 for the purpose of building a trail under the railroad tracks, including the use of eminent domain should negotiations between the City and KCS fail.