

Legislation Details (With Text)

**File #:** 6411      **Version:** 1      **Name:** Carrollton Heights Reconstruction Project - Right of Way and Drainage Easements  
**Type:** Resolution      **Status:** Passed  
**File created:** 11/7/2023      **In control:** City Council  
**On agenda:** 11/21/2023      **Final action:** 11/21/2023

**Title:** Consider A Resolution Declaring The Necessity To Acquire Certain Real Properties For Right-Of-Way And Drainage Easements For The Carrollton Heights NOTICE Reconstruction Project; Determining The Public Use And Necessity For Such Acquisition; Authorizing The Acquisition Of Property Rights Necessary For Said Project; Appointing An Appraiser And Negotiator As Necessary; Authorizing The City Manager Of The City Of Carrollton, Texas To Establish Just Compensation For The Property Rights To Be Acquired; Authorizing The City Manager To Take All Steps Necessary To Acquire The Needed Property Rights In Compliance With All Applicable Laws And Resolutions; And Authorizing The City Attorney To Institute Condemnation Proceedings To Acquire The Property If Purchase Negotiations Are Not Successful.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution, 2. Location Map, 3. Supplemental Informaiton - Parcel List

| Date       | Ver. | Action By    | Action | Result |
|------------|------|--------------|--------|--------|
| 11/21/2023 | 1    | City Council |        |        |

**CC MEETING: November 21, 2023**

**DATE:** November 7, 2023

**TO:** Erin Rinehart, City Manager

**FROM:** Jonathan Wheat, P.E., Director of Engineering  
 Marc Guy, Assistant City Manager

**Consider A Resolution Declaring The Necessity To Acquire Certain Real Properties For Right-Of-Way And Drainage Easements For The Carrollton Heights NOTICE Reconstruction Project; Determining The Public Use And Necessity For Such Acquisition; Authorizing The Acquisition Of Property Rights Necessary For Said Project; Appointing An Appraiser And Negotiator As Necessary; Authorizing The City Manager Of The City Of Carrollton, Texas To Establish Just Compensation For The Property Rights To Be Acquired; Authorizing The City Manager To Take All Steps Necessary To Acquire The Needed Property Rights In Compliance With All Applicable Laws And Resolutions; And Authorizing The City Attorney To Institute Condemnation Proceedings To Acquire The Property If Purchase Negotiations Are Not Successful.**

**BACKGROUND:**

This resolution will provide authorization to acquire the necessary right-of-way and easements to construct the planned improvements to the Carrollton Heights neighborhood. To facilitate the construction of the project, it is necessary for the City to acquire several parcels of right-of-way and drainage easements. The specific parcels

are identified in Attachment A and the Location Map. As with other similar road construction projects, it is not anticipated that all parcels will require the use of eminent domain to complete the acquisition process. However, staff is recommending advance authorization to pursue acquisition by eminent domain if negotiations with the affected property owners are unsuccessful.

The neighborhood reconstruction project will be split into two separately bid projects. This resolution covers the parcels needed for both phases.

This is a NOTICE project and was authorized by the voters in the 2018 Bond Election. Due to the age of the Carrollton Heights neighborhood it is characterized by street rights-of-way of variable widths that may require the acquisition of corner clips at intersections. The existing surface storm sewer system is being replaced by an enclosed underground system which may require the acquisition of easements or rights-of-way.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this resolution.

**IMPACT ON COMMUNITY SUSTAINABILITY:**

This project will support the City Council's strategic objectives and vision of building a community that families and businesses want to call home by:

- Sustaining quality of life - This project should improve the appearance of the neighborhood and promote residents to provide better upkeep of the properties in one of Carrollton's oldest neighborhoods.
- Sustaining day-to-day operations - The replacement of substandard infrastructure should reduce the need for non-scheduled or emergency repairs.

**STAFF RECOMMENDATION/ACTION DESIRED:**

Staff recommends City Council approval of a resolution authorizing the City Manager to take all steps necessary to acquire needed property rights in compliance with all applicable laws, and authorizing the City Attorney to institute condemnation proceedings to acquire the property if purchase negotiations are not successful.