

Agenda Item Details

Meeting	Sep 10, 2024 - Bryan City Council Second Regular Meeting
Category	7. Regular Agenda - This agenda consists of items requiring individual consideration by Council.
Subject	C. Resolution relating to and declaring the following: (1) the authority of the city to initiate, complete, and acquire through purchase or condemnation certain property interests in certain real properties located in the City of Bryan, Brazos county, Texas for an authorized and declared public purpose and use, same being providing, enlarging, constructing or improving the city's road system through the location, construction, and operation of public right of way; (2) declaring a public necessity exists to acquire, by acquisition or condemnation, the tract of land further described in section five (5) of this resolution located in the City of Bryan, Brazos county, Texas, in order to accomplish an authorized and declared public purpose and use; (3) the ratification of all prior city acts and resolutions and (4) the establishment of an effective date and compliance with the Texas open meetings act.
Type	Action (Statutory)
Preferred Date	Sep 10, 2024
Absolute Date	Sep 10, 2024
Fiscal Impact	Yes
Dollar Amount	450,000.00
Budgeted	Yes
Budget Source	\$50,000 legal, \$400,000 acquisition (appraised \$290,000) = total not to exceed authorization \$450,000. FY2024 CIP for design / land acquisition - \$500,000.
Goals	Quality of Life Infrastructure Public Safety

Summary:

The City of Bryan, through its land acquisition consultant (Threshold Land Services), has communicated with the owner of 801 South Texas Avenue and 505 East 32nd Street for the purchase of both properties. A significant portion of the properties is needed for the Groesbeck Extension Project, which is a 2024 / 2026 project in the approved Capital Improvement Program. Bryan City Council recently approved the design contract for the project. Discussions with the landowner of this property have been ongoing for over a year as the property was for sale. An Appraisal has been performed for the City and a final offer of \$350,000 was presented to the landowner.

Upon approval of the proposed Resolution, legal staff will engage outside legal counsel to begin the condemnation process. A conservative estimate for the legal expenses is \$50,000 and while the appraised value of the land came in at \$290,000, the landowner had listed the property at \$500,000. However, the final expense determined by a court could be higher than the appraised value, hence the request for a not to exceed amount of \$450,000. Additionally the property has unpaid liens to the City of Bryan totaling \$130,000 that would be paid to the City out of the owner's proceeds of the sale.

Staff Analysis and Recommendation:

Staff recommends approval of the Resolution to begin the process of condemnation or acquisition of land through eminent domain for the Groesbeck Extension Project, a funded project on the City's approved Capital Improvement Program.

Options:

1. Approve the Resolution by **record vote**. The motion for approval must be substantially in the form of: "*I move the the City of Bryan authorize the use of the power of eminent domain to acquire the tract of land described as all that property sold by Basset and Louise Bryarly Orr to C.E. and Martha Hodde by warranty deed with vendor's lien dated December 16, 1976, as recorded in Volume 364, Page 44 of the Official Property Records of Brazos County, Texas for the public purpose and use as public right of way.*"
2. Do not approve the Resolution and provide direction to staff.

Attachments:

1. Resolution Condemnation CE Hodde
2. Appraisal - Lovett

[Attachment 2 - Lovett - COB; 801 S. Texas Avenue Appraisal Report.pdf \(2,279 KB\)](#)

[Attachment 1 - Resolution Condemnation C E Hodde 8-29-24.docx \(22 KB\)](#)