

Agenda Item Details

Meeting	Sep 17, 2024 - Bryan City Council Special Meeting
Category	5. 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 and in Brazos County, Texas for an authorized and declared public purpose and use, same being providing, enlarging, constructing or improving the city's sanitary sewer system through the location, construction, and operation of public sewer easements; (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, and 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
Preferred Date	Sep 17, 2024
Absolute Date	Oct 08, 2024
Fiscal Impact	Yes
Budgeted	Yes
Budget Source	American Rescue Plan Act (ARPA) Funds
Goals	Economic Development Infrastructure Service

Summary:

The City of Bryan, through its land acquisition consultant (Threshold Land Services), has communicated with the following owners for the acquisition of a public sewer line easement through their property.

1. Hicks Willis B & Billie O; Hicks Willis B & Billie O Family Trust
Being that property conveyed by general warranty deed on April 9, 1966 as recorded in Volume 254, Page 682 of the Official Public Records of Brazos County, Texas ("OPRBCT")
2. Alfred and Currie Smith
Being that property conveyed by warranty deed dated June 21, 2017 as recorded in Volume 14097, Page 45 OPRBCT
3. Boriskie Phil Anthony Trustee of the PAB56 Trust
Being that property conveyed by warranty deed dated September 15, 2021 as recorded in Volume 17396, Page 198 OPRBCT
4. Boriskie Eugene A Revocable Trust
Being that property conveyed by warranty deed dated August 17, 2017 as recorded in Volume 14207, Page 50 OPRBCT
5. Steve Opersteny
Being that property conveyed by warranty deed dated March 15, 2004, as recorded in Volume 5921, Page 58 OPRBCT
6. FR & YR LTD
Being that property conveyed by correction deed dated February 20, 1995 as recorded in Volume 2300, Page 294 OPRBCT
7. Greer Damien P

Being that property conveyed by distribution deed dated December 22, 2022 as recorded in Volume 18473, Page 228 OPRBCT

8. McDonald Darryl E Jr. & Karen L

Being all that property purchased by warranty deed on October 10, 2008 as recorded in Volume 8833, Page 273 OPRBCT

9. Williams-Vaugh Aneesah K.

Being that property inherited by Aneesha K. Williams-Vaughn in the Will probated and recorded in 180936 of the Probate Records of Brazos County, Texas

A portion of the properties listed is needed for the construction of the Westside Sewer Interceptor improvements, which includes both a gravity line and sewer forcemain. Discussions with the landowners have been ongoing for over a year. Public Works staff and the City's land consultant continue to engage property owners on the acquisition of the easements. However, due to the need to bid the project to use the American Rescue Plan Act (ARPA) funds these easements need to be acquired. Currently this project is advertised for bid with a bid opening anticipated in early October 2024. Requirements of the ARPA funds include having funds under contract by the end of calendar year 2024.

Upon approval of the proposed Resolution, legal staff will engage outside legal counsel to begin the condemnation process. The cost of legal expenses will depend on the number of properties acquired through the condemnation proceedings.

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 Westside Sewer Interceptor Project. This project includes the main infrastructure to support growth and expansion in west Bryan.

Options:

1. Approve the Resolution by **record vote**. The motion for approval must be substantially in the form of: *"I move that the City of Bryan authorize the use of the power of eminent domain to acquire the easements for the tracts of land described in Exhibit A for the public purpose and use as public sewer use easement."*
2. Do not approve the Resolution and provide direction to staff.

Attachments:

1. Resolution for Condemnation for Westside Interceptor
2. Map of properties

[Resolution Condemnation Westside Interceptor 9-9-24.pdf \(135 KB\)](#)

[Property Status Riverside Sewer 08132024.pdf \(1,986 KB\)](#)