

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: February 11, 2014		DATE SUBMITTED: January 8, 2014	
DEPARTMENT OF ORIGIN: Engineering - PW		SUBMITTED BY: W. Paul Kaspar	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input checked="" type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consider approving a resolution authorizing the purchase of a 1.406 acre tract through Warranty Deed from Richard Pena for a not to exceed amount of \$38,000.00.			
SUMMARY STATEMENT: West 28th Street from Congress Street to Palasota Drive is classified as a Major Collector, and provides access to the Downtown area from the western portion of town. The current street section is narrow and has insufficient capacity for current traffic demands. There are drainage problems in the area due to lack of sufficient storm sewers and the roadside drainage ditches create additional maintenance problems. Finally, while this area has a substantial amount of walking traffic, there are not adequate places for pedestrians to travel safely. For these reasons, this project was ranked high in the Capital Improvement Plan (CIP) scoring and is a proposed funded project in the City's 5-year Capital Improvement Program for FY2014.			
<p>The proposed roadway includes a three (3) lane widened curb and gutter street section with storm sewer and sidewalks; therefore, considerable right-of-way (ROW) acquisition is required. Utilities, including water, sanitary sewer, natural gas, and electric, will be addressed through either replacement or rerouting.</p> <p>The requested property acquisition is the 1.406 acre tract at the corner of West 28th Street and Graham Drive, listed as R44387 by the Brazos County Appraisal District, and addressed as 1510 West 28th Street. The Brazos County Appraisal District lists the value of the property at \$22,690. No appraisal has been conducted on the property. However, the City of Bryan has had the property surveyed at a cost of \$2,607.00. A portion of the property (0.073 acres of right-of-way and 0.062 acres of easement) is needed for the West 28th Street Reconstruction project. Through negotiations with the land owner, an agreement has been reached to purchase the entire property from Mr. Pena for \$38,000. Prior to agreeing to sell the entire property, Mr. Pena wanted \$14,700 for the above listed right-of-way and easement plus any reimbursement for any trees that die outside the easement within 24 months of the project (in the amount of \$100 per square inch of trunk diameter 18 inches above the ground). The price for minimal amount of land and easement and tree reimbursement was unreasonable; especially considering the site is heavily wooded.</p> <p>If the City purchases the property, the land could be re-platted into approximately four or five residential lots and sold for development or the land could be donated or sold to the Community Development Department to encourage affordable housing development.</p> <p>In summary, the consideration for the 1.406 acre tract is for a not to exceed amount of Thirty-Eight Thousand Dollars (\$38,000.00) and the property owner agrees to grant the property described above and as shown in the attached survey. At the time Mr. Pena is paid for the property, the City will receive the Warranty Deed to the property, and the only other associated cost will be \$15 for filing the deed with Brazos County. The total cost of the property (cost of property, survey cost and filing the deed) is \$40,622.00.</p>			

STAFF ANALYSIS AND RECOMMENDATION: Approval of the resolution will allow the West 28th Street Reconstruction project to proceed and will provide residents along W. 28th Street with a new street, pedestrian sidewalks, and rehabilitated utilities. Reconstruction of W. 28th Street will promote public safety, promote future development, and improve the quality of life for residents in the area. Purchasing the land appears to be a much better value for the City when compared to the high cost for the easement and needed right-of-way, and there is potential to obtain revenue to pay for this purchase through the sale of residential lots in the future. The City has spent a considerable amount of time and resources designing this project and acquiring right-of-way for the project to be completed. After this parcel is acquired, only one tract remains for right-of-way and easement acquisition. Staff recommends approving the resolution and acquiring the property.

OPTIONS (In Suggested Order of Staff Preference):

- 1) Approve the resolution authorizing the expenditure of funds in the amount not to exceed \$38,000.00 for property acquisition.
- 2) Do not approve the resolution authorizing the expenditure of funds for acquiring the property and provide direction to staff.

ATTACHMENTS: (pdf documents are in a single file)

1. Resolution (Word)
2. Memorandum of Agreement with landowner (pdf)
3. Survey (pdf)

FUNDING SOURCE: Fund 368 (2010 GO Bond)

APPROVALS: Jayson E. Barfknecht 01/27/14; Hugh R. Walker, 01/29/2014

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 01-29-2014

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 01-03-2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, APPROVING THE PURCHASE OF APPROXIMATELY 1.406 ACRES OF LAND AT THE CORNER OF WEST 28th STREET AND GRAHAM DRIVE, LISTED AS PROPERTY ID NUMBER R44387 BY THE BRAZOS COUNTY APPRAISAL DISTRICT, AND ADDRESSED AS 1510 WEST 28TH STREET IN BRYAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Bryan plans to reconstruct W. 28th Street from Congress to Palasota, otherwise known as the *West 28th Street Reconstruction Project*, as part of the city's Capital Improvements Program; and

WHEREAS, the City of Bryan needs additional right-of-way to construct the project; and

WHEREAS, the City of Bryan needs additional easements to construct the project; and

WHEREAS, the City of Bryan has identified the above mentioned tract of land where both additional right-of-way and an easement are necessary to construct the project; and

WHEREAS, the City of Bryan may replat and resell the property for development or, donate or sell the property to the Community Development Division for development; and

WHEREAS, the owner of such property has agreed to selling such property for \$38,000; and

WHEREAS, if the property is not acquired by the City of Bryan, the project cannot be constructed; and

WHEREAS, it would be in the best interests of the residents of the City of Bryan to construct the *West 28th Street Reconstruction Project*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

SECTION 1.

The Bryan City Council approves the purchase of approximately 1.406 acres of land at the corner of West 28th Street and Graham Drive, listed as R44387 by the Brazos County Appraisal District, and addressed as 1510 West 28th Street in Bryan.

SECTION 2.

The Bryan City Council supports construction of the *West 28th Street Reconstruction Project*.

SECTION 3.

This Resolution shall become effective immediately upon its passage and approval.

APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Bryan, Texas, on this ____ day of _____, 2014.

ATTEST:

CITY OF BRYAN

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney