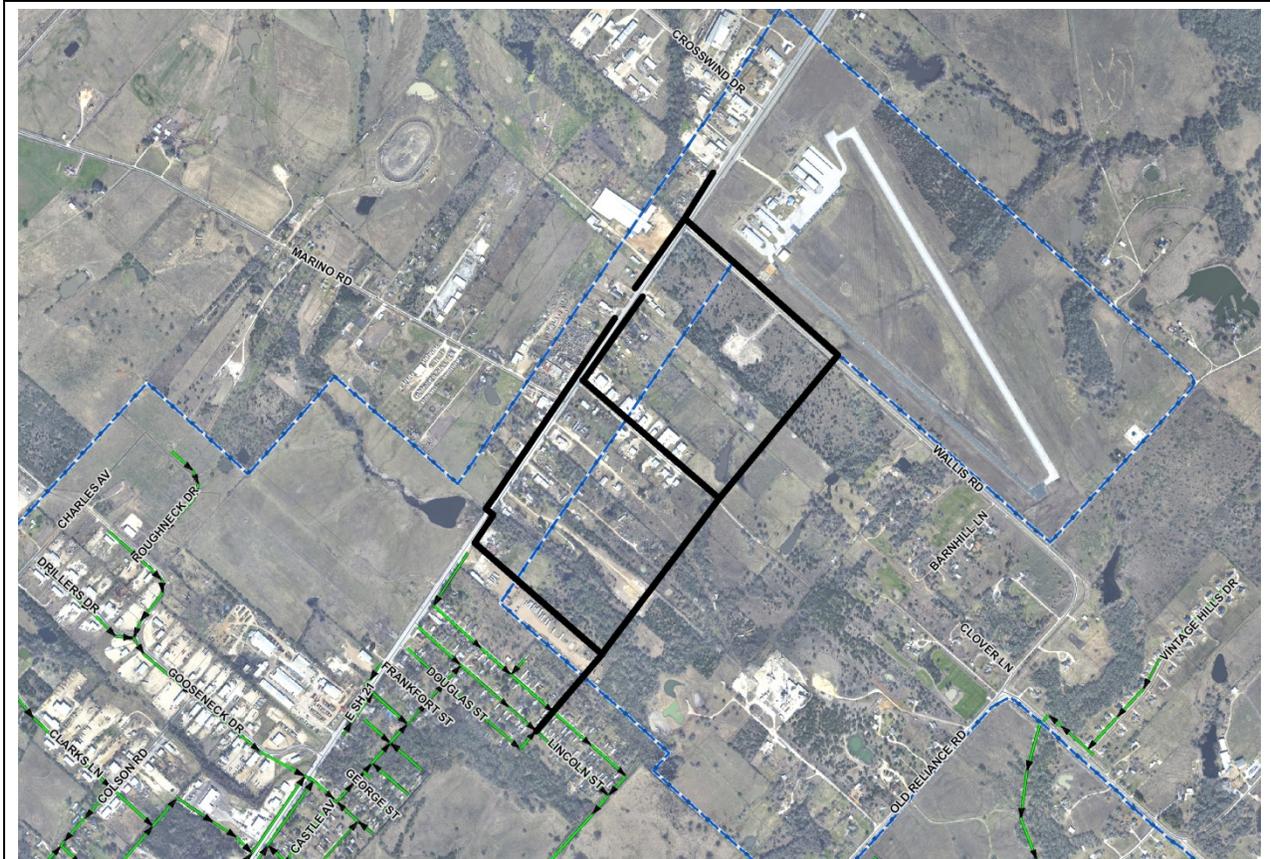


## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> February 10, 2015		<b>DATE SUBMITTED:</b> January 26, 2015	
<b>DEPARTMENT OF ORIGIN:</b> Water Services		<b>SUBMITTED BY:</b> J. Barfknecht	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input 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
<b>AGENDA ITEM DESCRIPTION:</b> Consider approving a memorandum of understanding with Maria C. Ruiz for the acquisition of sewer line easements in exchange for the payoff of a demolition lien and interest (\$34,993.77), payoff taxes due on the property (\$11,516.35), and compensation for the removal and relocation of structures on the property (\$10,000) for a total not to exceed amount of \$56,510.12.			
<b>SUMMARY STATEMENT:</b> Within the City of Bryan between the east city limits line near Coulter Field and Clark Street are many parcels on both sides of State Highway 21 that do not have access to public sanitary sewer systems. A key property within this area without such service is the City's own Coulter Field.			
In 2010, the consulting firm of Kimley-Horn and Associates (KHA) was retained to perform an engineering study of the area to determine the most cost effective means of providing service to as many parcels as practical. The cost of that contract was \$31,200. In April 2011, KHA issued a report that identified three possible routes and gave strong recommendation to one option as being the most beneficial to the proposed service area. Below are maps of the proposed route and service area. All of the shaded properties will gravity drain into the new proposed sewer system.			



Land Area Served	
Area within City Limits	158
Area within 1/2 Mile	158
Total Area Served	158

**Legend**

- COB Sewer Main
- Prop. Sewer Lines
- City Limits
- Priority Lines
- Land Use
- Residential
- Commercial
- Industrial
- Open Density Area

**City of Bryan - SH 21  
Sewer Extension  
Option 2 - Sewer Shed Map**

**Kimley-Horn  
and Associates, Inc.**  
311 University Drive East, Suite 105  
College Station, Texas 77805  
Tel. No. (979) 680-6461  
Fax No. (979) 680-6660  
Central: Michael Moore, P.E.  
Project No. 0171938

On August 23, 2011, City Council approved a professional services contract with Kimley-Horn and Associates, Inc for a not to exceed amount of \$313,729.00 to design the sewer mains identified above.

On October 14, 2014, this contract was amended by City Council for an amount of \$32,600. As the design and acquisition process progressed, several small changes brought about opportunities to revise the project to better accommodate affected land owners and the Wickson Creek Special Utility District. In order to capitalize on these opportunities, changes to the original professional services contract were proposed as follows:

- 1) Revision of 9 easement parcels to accommodate a new WCSUD water main along SH21 - \$5,050
- 2) Additional subcontracted easement acquisition services needed to coordinate new sewer services in lieu of purchase of easement rights - \$12,600
- 3) Provision of additional graphics and design support services to assist with land acquisition process - \$5,200
- 4) Updating of 90% construction drawings to include provisions for WCSUD water main along SH21 - \$6,400
- 5) Updating of 90% construction drawings to increase maintenance access via additional gates and vehicle access paths - \$3,350.

This project includes the installation of 15,450 linear feet of sewer main. It involves the acquisition of easements from 33 properties. Currently, nine easements remain to be obtained. Six of those property owners have the easement documents and are willing to sign the document based on verbal conversations. Three of the land owners still have a few issues with the additional easement width along Hwy 21 to accommodate the Wickson Special Utility District waterline.

The sewer main project originates in the Castle Heights area. As the line heads east from this neighborhood the line turns to the north in the second property. This property is owned by Maria C Ruiz. The line crosses the Ruiz property about midway, it turns and follows the western property line toward Hwy 21, and then parallels the right-of-way of Hwy 21 across the front of the property. The Ruiz property is a critical property to get sewer to Coulter Field and sewer along Hwy 21 frontage. The Ruiz property is the last property needed to get the sewer main constructed to Coulter Field. (See Exhibit B (attached) showing how the sewer mains will cross the Ruiz property.)

Staff evaluated the cost of the easements based on the cost of the effected land. The total square footage of the easements is 97,574 square feet (40,075 sf (0.92 acres) permanent and 57,499 sf (1.32 acres) temporary). This is \$0.58/sf or \$25,227.73/acre based on the considerations the City would be giving if this memorandum of understanding is approved. Our land agent reviewed several different methods to see if this cost consideration is reasonable for the City to consider. Eleven properties were evaluated on the market in east Brazos County. The average cost per acre for these properties is \$41,181.29. Taking the permanent easement value at 75% of the sales price and the temporary construction easement at 25% of sales price, the consideration value was determined to be \$42,000.

The cost for the easement was also evaluated using Brazos County Appraisal District (BCAD) values. In 2014, the 15.94 acre tract was valued at \$176,690 or \$11,084.69/acre. The land agent has seen sales prices for land be 200% of the BCAD value in this area. Using 200% of BCAD, the cost consideration would be \$49,659.42.

While the two methods show the values (\$42,000 and \$49,659.42) to be below the \$56,510.12 being considered, the additional cost of the easement is worth the acquisition for the easement. The cost of the demolition lien will be income to the City's General Fund and \$11,516.35 will be income to other taxing jurisdictions. The City has offered to all other property owners who have granted an easement the ability to connect to the new sewer main. The value of this connection for the Ruiz property is estimated at \$9,000 and is not part of this consideration as it will be a part of the construction contract. Staff recommends moving forward and approving the memorandum of understanding with Maria C. Ruiz.

**STAFF ANALYSIS AND RECOMMENDATION:** Staff and consultants have been working since 2010 to extend sewer to Coulter Field and to properties along the Hwy 21 corridor. The Maria C. Ruiz property is a key property and the easements need to be obtained. The land agent has worked diligently to negotiate an acceptable deal with

Ms. Ruiz and it is the recommendation of staff to take advantage of the current proposal and approve the memorandum of understanding. This action will allow the portion of the sewer main to Coulter Field to bid. The average size of the other 11 easements already obtained for the sewer line going to Coulter Field is 0.14 acres for permanent easement and 0.20 acres for a temporary easement. This is considerably smaller than the 0.92 acres and 1.32 acres easements the City is requesting from Ms. Ruiz. Because of this larger impact on the property City staff believes the additional consideration is warranted.

**OPTIONS (In Suggested Order of Staff Preference):**

1. Approve the memorandum of understanding
2. Modify the memorandum of understanding and renegotiate, which may require consideration at a future City Council meeting
3. Do not approve the memorandum of understanding

**ATTACHMENTS:** (both attachments are in a single pdf file)

1. Memorandum of Understanding (exhibit A)
2. Ruiz Property Map (exhibit B)

**FUNDING SOURCE:** Wastewater budget

**APPROVALS:** Jayson E. Barfknecht 01/26/15; Hugh R. Walker, 01/28/2015

**APPROVED FOR SUBMITTAL: CITY MANAGER** Kean Register, 02-02-2015

**APPROVED FOR SUBMITTAL: CITY ATTORNEY** Janis K. Hampton , 02-02-2015

Revised 05/2013