

MEMORANDUM

TO: CDC

FROM: DJC

DATE: 5/27/02

RE: Parmer Lane-Parcel 154, 154SE (Van Witbeck)
Acquisition Summary

Proposed language for 5/28/02 Commissioners' Court meeting (executive session): Receive briefing from counsel and consider a resolution authorizing the filing of condemnation proceedings and/or take appropriate action regarding County Road 272 (Parmer Lane extension) parcels 154 and 154SE. (John Van Witbeck, owner).

Acquisition description:

1. .686 acre fee simple acquisition out of 2.00 acre parent tract
2. .179 acre slope easement acquisition out of same 2.00 acre parent tract

Status of negotiations:

1. Appraised value: **\$17,977** offered on 3/20/02
Appraised value breakdown:
 - a. .686 acres x \$21,000/acre = \$14,406
 - b. .179 acres x \$21,000 x .95 (easement rights) = \$3,571
2. The landowners initially proposed a settlement based upon a bank appraisal which they had done in connection with a loan to improve the property with a warehouse building. This valued the land at \$1.26/foot, for a total price of \$47,573.

The owners would currently be willing to sell the land for the price they paid for it in December of 2000. This was \$37,000/acre, and would calculate to a total price of approximately \$25,382 for the fee simple and \$6,292 for the easement area. Although a sale of the subject is typically the best indication of market value, and will be difficult to overcome with outside evidence, there is some indication that this purchase price was increased because of the knowledge of the Parmer Lane project, which is not supposed to be considered in a condemnation valuation. Mr. Witbeck does not want to "lose" money on his purchase, and wants to get back what he paid.