

RESOLUTION NO. R-2023-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AUTHORIZING TASK ORDER # 6 TO THE EXISTING CONTRACT FOR LAND ACQUISITION SERVICES TO SEVEN ARROWS LAND STAFF FOR THE TRANSFER LIFT STATION AND FORCE MAIN PROJECT TO A NOT TO EXCEED AMOUNT OF ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000); AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City of Bastrop City Council understands the value in managing growth for current and future generations; and

WHEREAS, The projected growth of the City of Bastrop will soon result in wastewater flow rates that will exceed the capacity of the City's current wastewater collection system and treatment facilities; and

WHEREAS, The City Council has the vision to improve Bastrop's Community Safety and Economic Vitality, and Manage Growth by building the new Wastewater Treatment Plant #3 and its ancillary projects to support growth; and

WHEREAS, engaging Seven Arrows to provide land acquisition services for the Transfer Lift Station and Force Main project meets the intent needed to complete the project.


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

Section 1: That the City Manager is hereby authorized to execute Task Order # 6 for land acquisition services to Seven Arrows Land Staff for the Transfer Lift Station and Force Main project to a not to exceed amount of One hundred and fifty thousand dollars (\$150,000).

Section 2: That this Resolution shall take effect immediately upon its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 23rd day of May 2023.

APPROVED:



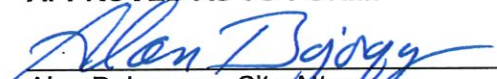
Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney



Schedule A Scope of Work

GENERAL: The City of Bastrop (City) 18 Inch Force Main (the Project) will include real estate acquisition services. 7Arrows Land Staff, LLC (7Arrows) shall provide a variety of services to support City in execution of the project including Easement and Property acquisition services. 7Arrow's services may also include, as directed by City, assistance with open houses or similar meetings with the public, presentations to all approval authorities, and other real estate and property work that may be needed from time to time to support the timely execution of the project.

BASIC SERVICES: 7Arrows shall render the following professional services in connection with the development of the Project:

A. Right of Way/Property Acquisition Services

1. Document Services

- a) Confirm ownership and easement information.
- b) Prepare files, all documents, correspondence with owners, agent logs, working files for each parcel.

2. Title/Curative Services

- a) Review preliminary title commitment (Schedules A, B & C) or preliminary title search information for all properties.
- b) Secure title commitments and updates in accordance with insurance rules and requirements for parcel payment submissions for properties which will be acquired in fee simple and for ROW easements
- c) Secure title insurance for all parcels, insuring acceptable title. Cure all exceptions on Schedule C, when applicable. Written approval by the City of Bastrop will be required for any exceptions to coverage.

3. Negotiation Services

- a) Analyze appraisal reports and confirm approved value prior to making offer for each parcel.
- b) Analyze preliminary title report to determine potential title problems and propose methods to cure title deficiencies.
- c) Prepare the initial offer letter and any other documents required or requested by the City of Bastrop in an acceptable form.
- d) Contact each property owner or owner's designated representative and present the written offer in person where practical. When owners do not wish to have offers delivered in person, they will be mailed via certified mail with return receipt for documentation of delivery/receipt. Maintain follow-up contacts and secure the necessary instruments upon acceptance of the offer for the closing.



- e) Provide a copy of the appraisal report for the subject property exclusively to the property owner or authorized representative at the time of the offer.
- f) Respond to property owner inquiries verbally and/or in writing within two business days.
- g) Prepare a separate negotiator contact report for each parcel file for each contact.
- h) Maintain parcel files of original documentation related to the purchase of the real property or property interests/acquisition of the Easement for Right of Way.
- i) Present counteroffers in a form as directed by the City. Transmit any written counteroffer from property owners including supporting documentation, and Agent's recommendation with regard to the counteroffer.
- j) Prepare final offer letter as necessary.

4. Acquisition/Closing Services:

- a) Prepare check request, review closing documents facilitate execution of all necessary documents. Attend closings and provide closing services in conjunction with Title Company for all tracts.
- b) Transport any documents to City and landowner for signatures.
- c) Record or cause to be recorded all original instruments immediately after closing at the respective County Clerk's Office.
- d) Review Title Policy and give to City for permanent storage.

5. Project/Document Administration

- a) Maintain current status reports of all parcel and project activities and provide monthly or as requested to the City.
- b) Participate in project review meetings as requested.
- c) Provide copies of all incoming and outgoing correspondence as generated if requested.
- d) Maintain copies of all correspondence and contacts with property owners.
- e) Update database with current status information and documentation.

6. Appraisal and Appraisal Coordination/Review

- a) 7Arrows will coordinate the appraisal order and review the appraisal for content accuracy.
- b) Secure written permission from owner to enter the property from which land is to be acquired. Maintain permission letters with appraisal reports.
- c) Prepare and conduct personal pre-appraisal contact with interest owner(s) for each parcel.
- d) Contact property owners or their designated representative to offer opportunity to accompany the



appraiser on the appraiser's inspection of subject property. Maintain record of contact in file.

- e) Finalize complete appraisal report for each parcel. These reports shall conform to the City of Bastrop's policies and procedures along with the Uniform Standards of Professional Appraisal Practice.
- f) As necessary, prepare written notification to the City of Bastrop of any environmental concerns within the needed right of way to be acquired which could require remediation.
- g) All completed appraisals will be administratively reviewed and approved by the City of Bastrop.
- h) As necessary, the appraiser will appear and or testify as an Expert Witness in eminent domain proceedings and be available for pre-hearing or pre-trial meetings as directed by the City of Bastrop.

7. Condemnation Support

- a) Upon receipt of a copy of the final offer, research and produce an updated "Condemnation Limited Title Report" (search parameters set by City and/or outside legal counsel).
- b) Prepare a condemnation package as directed by the City and deliver the package to the City's designee or legal counsel.
- c) Upon notification from the City request the update of appraisal.

7Arrows Land Staff, LLC

CITY OF BASTROP

By: Nicole Costanza

By: 

Printed Name: Nicole Costanza

Printed Name: Sylvia Carrillo, ICMA-CM, CPM

Title: Managing Partner

Title: City Manager

Date: 5/18/23

Date: Jun 1, 2023



Task Order 6
City of Bastrop
18" Force Main

Easement/Temporary Easement Acquisition Services:

Title/Curative Services:	\$1,500.00 per parcel
Appraisal Coordination and Review:	\$500.00 per parcel
Document Services:	\$1,00.00 per parcel
Negotiation Services:	\$3,000.00 per parcel
Acquisition/Closing Services:	\$3,000.00 per parcel
10 parcels – Easement Acquisition:	\$90,000.00
Appraisals – 10 @ \$4,000.00*	\$40,000.00
Project Management: \$200.00 x 100 hours**	\$20,000.00
TOTAL Acquisition Fees:	\$150,000.00

Submitted by: Nicole Costanza
Nicole Costanza, Managing Partner

Partner Hourly Rate:	\$200.00
Agent Rate:	\$100.00
Appraiser Condemnation Support Hourly Rate:	\$325.00

Mileage, copies and/or postage included
Invoices to be submitted by the 3rd of each month and are due 30 days from receipt.

*Charge not to exceed 5% of sub-consultant fee.
**Hourly rates to be charged for staff update meetings, Public Information meetings, City Council meetings, route development visits, project design meetings, appraisal coordination, relocation coordination, and condemnation support shall be billed at an hourly basis.

This is a not to exceed contract and the City of Bastrop will only be charged for work performed.

This contract does not contemplate eminent domain support by the appraisal firm and/or any legal fees.