

# Mayor and Council Communication

**DATE:** 10/20/20

**M&C FILE NUMBER:** M&C 20-0752

**LOG NAME:** 21C 100995 P12, P13, & P14,- CONDEMN- 1001 KENNEDALE PARKWAY

**SUBJECT**

(In Kennedale Near CD 5) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.266 Acres in Permanent Sewer Easements and a Total of 0.990 Acres for Temporary Construction Easements from Improved Property Owned by Jerry Coyel, Located South East of the Intersection of South Loop 820 and West Kennedale Parkway in the Oak Crest Addition Block 10, Lots 4 - 6, David Strickland Survey and the Shelby County School Land Survey in the City of Kennedale, Tarrant County, Texas for the Lake Arlington Lift Station and Force Main Project

**RECOMMENDATION:**

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.266 acres in permanent sewer easements and a total of 0.990 for temporary construction easements from improved property owned by Jerry Coyel, located south of the intersection of South Loop 820 and west Kennedale Parkway in the Oak Crest Addition Block 10, Lots 4 - 6, David Strickland Survey and the Shelby County School Land Survey, City of Kennedale, Tarrant County, Texas were unsuccessful due to the inability to reach a mutually agreed upon value for the property interest being acquired by the City;
2. Declare the necessity to acquire the described property interest for the Lake Arlington Force Main and Lift Station project;
3. Adopt the attached resolution authorizing the City to use its power of eminent domain to acquire the property for public use;
4. Authorize the City Attorney to institute condemnation by eminent domain proceedings to acquire the described property interest from the property owner;
5. Authorize a payment pursuant to an award of commissioners or a negotiated settlement; and
6. Authorize the City Manager or his designee to accept and record the appropriate instruments.

**DISCUSSION:**

The property rights in the improved subject property are required to construct public sewer improvements that will increase conveyance capacity necessary to handle projected growth within the Village Creek Wastewater Basin. The Fort Worth Wastewater Master Plan recommends the installation of a lift station and force main within the lower reaches of the Village Creek Basin. This new sewer improvement will be constructed for public use and funds for this project were included within the Water & Sewer Capital Project 2018 (W&S Capital Proj 2018) fund proceeds. The land rights in the improved subject property are needed for a new force main sewer line.

An independent appraisal established fair market value for the permanent sewer and temporary construction property interests in the total amount of \$9,286.00. Negotiations were unsuccessful due to the inability to reach a mutually agreed upon value for the property interests being acquired by the City.

Upon approval, a Special Commissioners' hearing will be brought to acquire the permanent sewer easement and temporary construction easement on the property.

**Improved Subject Property**

<b>Parcel No.</b>	<b>Legal Description</b>	<b>Acreage / Property Interest</b>
12-PSE	Lot 4 Block 10 Oak Crest Addition	0.092 Acres / Permanent Sewer Easement
12-TCE	Lot 4 Block 10 Oak Crest Addition	0.367 Acres / Temporary Construction Easement
13-PSE	Lot 5 Block 10 Oak Crest Addition	0.092 Acres / Permanent Sewer Easement
13-TCE	Lot 5 Block 10 Oak Crest Addition	0.368 Acres / Temporary Construction Easement
14-PSE	Lot 6 Block 10 Oak Crest Addition	0.082 Acres / Permanent Sewer Easement
14-TCE	Lot 6 Block 10 Oak Crest Addition	0.255 Acres / Temporary Construction Easement

should say:

"I move that the Fort Worth City Council adopt the resolution authorizing use of the power of eminent domain to acquire 0.266 acres in permanent sewer easements and a total of 0.990 acres for temporary construction easements from improved property owned by Jerry Coyel. The property is needed for the Lake Arlington Lift Station and Force Main Project, a public use that will construct public sewer improvements increasing conveyance capacity necessary to handle projected growth within the Village Creek Wastewater Basin. The property is located in the Oak Crest Addition Block 10, Lots 4 - 6, in the David Strickland Survey and the Shelby County School Land Survey in the City of Kennedale, Tarrant County, Texas. The property interest to be acquired is described by metes and bounds and depicted by survey exhibits attached to this Mayor and Council Communication."

This property is located in the City of Kennedale near COUNCIL DISTRICT 5.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

---

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the W&S Capital Proj 2018 Fund for the Lake Arlington, FM, LS and SS project to support the approval of the above recommendations and the purchase of the easements. Prior to any expenditure being incurred, the Water and Property Management Departments have the responsibility to validate the availability of funds.

**Submitted for City Manager's Office by:** Dana Burghdoff 8018

**Originating Business Unit Head:** Steve Cooke 5134

**Additional Information Contact:** Roger Venables 6334  
Burt Gonzales 2311