

Mayor and Council Communication

DATE: 05/14/24

M&C FILE NUMBER: M&C 24-0400

LOG NAME: 21CONDEMN 103299 P3 PS LPT PROPERTIES INVESTORS

SUBJECT

(CD 7) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.2447 Acres in Right-of-Way and Temporary Construction Easements from Real Property Owned by PS LPT Properties Investors, Located at 6375, 6355 and 6325 WJ Boaz Road in the All Storage Boat Club Addition, an Addition to the City of Fort Worth, Block 1, Lots 1, 2 and 3, Tarrant County, Texas, for the WJ Boaz Road Widening Improvements Project (2022 Bond Program)

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.2447 acres in right-of-way and temporary construction easements from real property owned by PS LPT Properties Investors, located at 6375, 6355 and 6325 WJ Boaz Road in the All Storage Boat Club Addition, an addition to the City of Fort Worth, Block 1, Lots 1, 2 and 3, Tarrant County, were unsuccessful due to the inability to negotiate agreeable terms for the property interest being acquired by the City;
2. Declare the necessity to acquire the described property interest for the WJ Boaz Road Widening Improvements project (City Project No. 103299);
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 land rights in the subject property are needed for the reconstruction and widening of WJ Boaz Road from Boat Club Road to Elkins School Road (City Project No. 103299). This project consists of widening and reconstructing approximately 1.1 miles of existing two-lane asphalt roadway to a four-lane divided concrete thoroughfare. The roadway improvements include pavement reconstruction with curb and gutter, drainage improvements, street lights, shared used paths and reconstruction of the existing roundabout at Bowman Roberts Road.

An independent appraisal established the property's fair market value for the right-of-way and temporary construction easement property interests in the total amount of \$349,800.00. Negotiations were unsuccessful due to the inability to negotiate agreeable terms for the property interests being acquired by the City.

Upon approval, a condemnation action will be brought and a Special Commissioner's hearing held to acquire the right-of-way easement interest on the property.

Parcel No.	Legal Description	Acreage/Property Interest
3-1 ROWE	Lot 1, Block 1, All Storage Boat Club Addition, City of Fort Worth, Tarrant County	0.0465 Acres / Right-of-Way Easement
3-1 TCE	Lot 1, Block 1, All Storage Boat Club Addition, City of Fort Worth, Tarrant County	0.0033 Acres / Temporary Construction Easement
3-2 ROWE	Lot 2, Block 1, All Storage Boat Club Addition, City of Fort Worth, Tarrant County	0.1196 Acres / Right-of-Way Easement
3-2 TCE 1	Lot 2, Block 1, All Storage Boat Club Addition, City of Fort Worth, Tarrant County	0.0110 Acres / Temporary Construction Easement
3-2 TCE 2	Lot 2, Block 1, All Storage Boat Club Addition, City of Fort Worth, Tarrant County	0.0172 Acres / Temporary Construction Easement
3-3 ROWE	Lot 3, Block 1, All Storage Boat Club Addition, City of Fort Worth, Tarrant County	0.0471 Acres / Right-of-Way Easement

To approve this Mayor and Council Communication (M&C), the Council Member making a motion to authorize condemnation by eminent domain should say:

"I move that the Fort Worth City Council adopt the resolution authorizing use of the power of eminent domain to acquire 0.2132 acres of land in right-of-way easements and 0.0315 acres of land in temporary construction easements from real property owned by PS LPT Properties Investors. The subject property is located at 6375, 6355 and 6325 WJ Boaz Road in the All Storage Boat Club Addition, an addition to the City of Fort Worth, Block 1, Lots 1, 2 and 3, Tarrant County, Texas. The land rights in the subject property are needed for the WJ Boaz Road Widening Improvements project, a public use that provides for roadway improvements including pavement reconstruction with curb and gutter, drainage improvements, street lights, shared use paths and reconstruction of the existing roundabout at Bowman Roberts Road. The property interest to be acquired is described by metes and bounds and depicted by survey exhibits attached to this Mayor and Council Communication."

Funding is budgeted in the 2022 Bond Program for the purpose of funding the WJ Boaz Road Widening Improvements project, as appropriated.

This property is located in COUNCIL DISTRICT 7.

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 2022 Bond Program for the WJ Boaz Rd West Half project to support approval of the above recommendations and acquisition of easement. Prior to any expenditure being incurred, the Property Management and Transportation and Public Works Departments have the responsibility to validate the availability of funds.

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

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