

Mayor and Council Communication

DATE: 04/11/23

M&C FILE NUMBER: M&C 23-0249

LOG NAME: 12CANTEYHANGERCITYHALL

SUBJECT

(ALL) Adopt Resolution Authorizing the Employment of Cantey Hanger LLP as Outside Counsel, in an Amount Not to Exceed \$150,000.00 to Advise and Represent the City of Fort Worth in Matters Related to the Survey for the Future City Hall

RECOMMENDATION:

It is recommended that the City Council adopt the attached Resolution approving the retention of the law firm of Cantey Hanger LLP as outside legal counsel to assist and represent the City of Fort Worth in matters related to a survey for the Future City Hall.

DISCUSSION:

The City of Fort Worth (City) relied on a survey to purchase the Pier One building and to plan Future City Hall. It appears that the survey did not accurately describe a federal-floodway easement. As a result, in order to build the council chamber and parking facility, the City must secure a 408 permit from the Corps of Engineers that is costly in terms of time and money.

In order to compensate the City for expenditures it must now make because of the easement that possibly was not adequately depicted in the survey, the City may be required to assert claims or pursue litigation.

This is a unique situation that requires special legal expertise in a complex and difficult legal area. Cantey Hanger law firm has the experience necessary to advise the City with any claims that should be made or perhaps litigation that should be undertaken to compensate the City.

Legal fees are not expected to exceed \$150,000.00.

Funding is budgeted in the Property Management Department's Tax Note 2021 A Fund for the purpose of funding the City Hall Move 100 Energy Way project, as appropriated.

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 Tax Note 2021 A Fund for the City Hall Move 100 Energy Way project to support the approval of the above recommendation and retention of outside legal counsel. Prior to an expenditure being incurred, the Property Management Department has the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: ALL ACMs 6122

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Expedited