

City of Fort Worth, Texas

# Mayor and Council Communication

DATE: 06/25/24 M&C FILE NUMBER: M&C 24-0580

LOG NAME: 21CPN 104345 P2 BOMBER SPUR TRAIL

SUBJECT

(CD 3) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.65 Acres in Fee Simple from Real Property Owned by Patricia Miller (Deceased), in the Amount of \$56,070.00 Located at 4350 Southwest Boulevard, Fort Worth, Tarrant County, Texas 76116, for the Trail Gap Bomber Spur Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City of Fort Worth and the property owner to acquire the fee simple interest in 0.65 acres from real property owned by Patricia Miller, (Deceased), in the amount of \$56,070.00 situated in the Franklin S. Perry Survey, Abstract No. 1226, City of Fort Worth, Tarrant County, Texas, and being a portion of a called 0.65 acre tract of land described as Tract No. 2 conveyed as a right-of-way easement to the United States of America as recorded in Volume 1492, Page 343 of the Deed Records of Tarrant County, Texas, and subsequently released in Volume 15317, Page 331 of said Deed Records of Tarrant County, Texas also known as 4350 Southwest Boulevard, Fort Worth, Tarrant County, Texas 76116, were unsuccessful due to the inability to establish ownership;
2. Declare the necessity to acquire the described property interest for the Trail Gap Bomber Spur project (City Project No. 104345);
3. Adopt the attached resolution authorizing the City of Fort Worth 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 subject property are needed for the Park & Recreation Department (PARD) to construct a 12' wide shared-use Bomber Spur Trail from Calmont Avenue to West Vickery Boulevard. When completed, the Bomber Spur Trail will feature a 12' wide paved trail, neighborhood trailheads, a pedestrian bridge over Camp Bowie Boulevard, retaining walls and ramps, landscape amenities, and street crossing signals.

Title research by Republic Title and 7 Arrows Land Staff, LLC., established a chain of heirship for the previous owner of the subject property. Alamo Title Company provided a title commitment with Patricia Miller as the vested owner.

An independent appraisal established the fair market value for the property interest (shown below) at \$56,070.00. Negotiations were unsuccessful due to the inability to find the heirs of the vested owner and obtain clear title for the property interest needed for the project.

Upon approval, a condemnation action will be brought, and a Special Commissioners' hearing will be held to acquire the fee simple interest on the property.

Improved Subject Property		
Parcel No.	Legal Description	Acreage / Property Interest
2	Franklin S. Perry Survey, Abstract No. 1226, City of Fort Worth, Tarrant County	0.65 Acres / Fee Simple

Acquisition of 0.65 acres of Parcel 2 is estimated to have a one-time cleanup cost of \$260.00 and increase PARD's annual maintenance cost by \$800.00 beginning in FY2025. As of April 2024, the cumulative total of all previously approved M&Cs increased the department's estimated annual maintenance by \$704,103.00 beginning in FY2025.

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 the use of the power of eminent domain to acquire 0.65 acres in fee simple from real property owned by Patricia Miller (Deceased). The property interest is needed for the Bomber Spur Trail project to construct a 12' wide shared-use Bomber Spur Trail from Calmont Avenue to West Vickery Boulevard. The property is located at 4350 Southwest Boulevard, in the Franklin S. Perry Survey, Abstract No. 1226, 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."

Funding is budgeted in the Grant Cap Projects Federal Fund for the Park & Recreation Department for the purpose of funding the Trail Gap

