

Mayor and Council Communication

DATE: 11/29/22

M&C FILE NUMBER: M&C 22-0998

LOG NAME: 21CONDEMN-AMEND 1001 KENNEDALE PKWY-COYEL

SUBJECT

(Kennedale Near CD 5) Authorize Amendment of Mayor and Council Communication 20-0752 to Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.266 Acres in Permanent Sewer Easements and a Total of 1.060 Acres for Temporary Construction Easements from Improved Property Owned by Jerry Coyel, Located Southeast 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 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. Amend Mayor and Council Communication 20-0752 to adopt resolution authorizing condemnation by eminent domain to acquire 0.266 acres in permanent sewer easements and a total of 1.060 acres for temporary construction easements from improved property owned by Jerry Coyel, located southeast 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 Shelby County School Land Survey in the City of Kennedale, Tarrant County, Texas;
2. Declare the necessity to acquire the described property interest for the Lake Arlington Force Main and Lift Station project;
3. Declare that negotiations between the City and the property owner to acquire 0.266 acres in permanent sewer easements and a total of 1.060 acres for temporary construction easements from improved property owned by Jerry Coyel, located southeast 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 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;
4. Adopt the attached resolution authorizing the City to use its power of eminent domain to acquire the property for public use;
5. Authorize the City Attorney to institute condemnation by eminent domain proceedings to acquire the described property interest from the property owner;
6. Authorize a payment pursuant to an award of commissioners or a negotiated settlement; and
7. Authorize the City Manager or his designee to accept and record the appropriate instruments.

DISCUSSION:

On October 20, 2020, the City Council authorized condemnation by eminent domain to acquire 0.266 acres in permanent sewer easements and a total of 0.990 acres for temporary construction easements for the Lake Arlington Force Main and Lift Station project (Mayor & Council Communication (M&C) 20-0752). However, after M&C 20-0752 was approved, a calculation error in the total acreage for temporary construction easements on Parcel 14 was observed. Therefore, staff recommends that M&C 20-0752 be amended to add the acreage for Parcel 14-TCE2 in the amount of 0.070 acres and increase the total acreage of the temporary construction easements to 1.060 acres.

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.

Staff made revised initial and final offers according to the permanent sewer easement acreages and temporary construction easement acreages shown in the table below. Negotiations with the property owner 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 condemnation proceeding will be brought to acquire the permanent sewer easements and temporary construction easements on the property.

Improved Subject Property

Parcel No.	Legal Description	Acreage / Property Interest
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

Improved Subject Property

Parcel No.	Legal Description	Acreage / Property Interest
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-TCE1	Lot 6, Block 10, Oak Crest Addition	0.255 Acres / Temporary Construction Easement
14-TCE2	Lot 6, Block 10, Oak Crest Addition	0.070 Acres / Temporary Construction Easement

Funding is budgeted in the Wastewater Department's W&S Capital Proj 2018 Fund for the purpose of funding the Lake Arlington, FM, LS and SS project, as appropriated.

To approve this 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 a total of 0.266 acres in permanent sewer easements and a total of 1.060 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 to increase the 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 Shelby County School Land Survey in the City of Kennedale, Tarrant County, Texas. The property interests to be acquired are 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.

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Expedited