

# Mayor and Council Communication

DATE: 09/12/23

M&C FILE NUMBER: M&C 23-0764

LOG NAME: 21CONDEM 101240 BLK 9 PLATTING P4 LW INVESTMENTS

**SUBJECT**

(CD 7) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.109 Acres in a Public Access Easement from Real Property Owned by Lake Worth Investments, Inc. Located at 4220 Wells Drive, Lake Worth, Tarrant County, Texas, Being a Part of Lots 23, 24 and 25 in the Hodgkins Highlands Addition, for Public Access for the Properties Located in Block 9 of the Lake Worth Lease Survey in the City of Fort Worth

**RECOMMENDATION:**

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.109 acres in a public access easement from real property owned by Lake Worth Investments, Inc., located at 4220 Wells Drive, Lake Worth, Tarrant County, Texas, being a part of Lots 23, 24 and 25 in the Hodgkins Highlands Addition, 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 to provide sufficient vehicular access for the properties located in Block 9 of the Lake Worth Lease Survey in the City of Fort Worth and to allow for the completion of the plat of Block 9 of the Lake Worth Lease Survey in accordance with the City of Fort Worth's Subdivision Ordinance (City Project No. 101240) ;
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 subject property are needed to provide sufficient vehicular access for the properties located in Block 9 of the Lake Worth Lease Survey in the City of Fort Worth and to allow for the completion of the plat of Block 9 of the Lake Worth Lease Survey in accordance with the City of Fort Worth's Subdivision Ordinance. Completing the plat for Block 9 will also allow the City to sell the properties within the block to the persons leasing the properties in accordance with Section 272.001(h) of the Local Government Code and as authorized by the City Council on November 8, 2016 (Mayor and Council Communication L-15964).

An independent appraisal established a fair market value for the property interest in the total amount of \$58,348.00. Negotiations were unsuccessful due to the inability to negotiate agreeable terms for the property interest being acquired by the City.

Upon approval, a condemnation action will be brought and a Special Commissioners' hearing held to acquire the property interest (shown below) on the property.

Parcel No.	Legal Description	Acreage / Property Interest
4	A part of Lots 23,24,and 25 in the Hodgkins Highlands, an Addition to the City of Lake Worth, Tarrant County, Texas according to the plat recorded in Volume 204, Page 90 of the Plat Records of Tarrant County	0.109 Acres / Public Access 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 0.109 acres in a permanent public access easement from real property owned by Lake Worth Investments, Inc. The property interests are needed for the Fort Worth Block 9 Platting Project, a public use that will provide sufficient vehicular access for the public and emergency responders for the properties located in Block 9 of the Lake Worth Lease Survey in the City of Fort Worth. The land rights in the subject properties are needed for the construction,

operation, maintenance, replacement, upgrade, and repair of a public access easement. The properties are located at 4220 Wells Drive, Lake Worth, Tarrant County, Texas, being a part of Lots 23, 24 and 25 in the Hodgkins Highlands, an Addition to the City of Lake Worth, Tarrant County, Texas, according to the plat recorded in Volume 204, Page 90 of the Plat Records of 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 Lake Worth, near Council District 7.

Funding is budgeted in the Water Department's Lake Worth Gas Lease Capital Legacy Fund for the purpose of funding the Lake Worth Platting project, as appropriated, as depicted below:

Fund	Existing Appropriations	Additional Appropriations	Project Total*
Lake Worth Gas Lease Capital Legacy Fund for Lake Worth Platting Project City Project No. 101240	\$352,428.00	\$0.00	\$352,428.00
Project Total	\$352,428.00	\$0.00	\$352,428.00

\*Numbers rounded for presentation purposes.

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 Lake Worth Gas Lse Cap Legacy Fund for the Lake Worth Platting project to support the approval of the above recommendations and acquisition of easement. Prior to an 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

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