

# Mayor and Council Communication

**DATE:** 09/17/19

**M&C FILE NUMBER:** M&C 19-0151

**LOG NAME:** 21PMD C02505 P9 CONDEMN

**SUBJECT**

Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 1.395 Acres in Permanent Right-of-Way Easement and a Total of 0.7869 Acres for Temporary Construction Easements from Improved Property Owned by Daljit Singh, Located East of the Intersection of Cleburne Road and McPherson Boulevard in Abstract No. 1598, Moses Walters Survey, Tarrant County, Texas, for the McCart Avenue/McPherson Boulevard Project (2014 Bond Program) (COUNCIL DISTRICT 6)

**RECOMMENDATION:**

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 1.395 acres in permanent right-of-way easement and a total of 0.7869 for temporary construction easements from improved property owned by Diljit Singh, located east of the intersection of Cleburne Road and McPherson Boulevard in Abstract No. 1598, Moses Walters Survey, 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;
2. Declare the necessity to acquire the described property interest for the McCart Avenue/McPherson Boulevard Project;
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 improved subject property are required to construct public roadway improvements that will extend McPherson Boulevard from Cleburne Road eastward to the future McCart Avenue. This new arterial will be constructed for public use and funds for this project were included within the 2014 Capital Improvement Program. The land rights in the improved subject property are needed for new travel lanes, storm drainage improvements, sidewalks, and streetlights as necessary.

An independent appraisal established fair market value for the permanent right-of-way and temporary construction property interests in the total amount of \$348,290.00. Negotiations 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 Special Commissioners' hearing will be brought to acquire the permanent right-of-way easement on the property.

***Improved Subject Property***

<b>Parcel No.</b>	<b>Legal Description</b>	<b>Acreage / Property Interest</b>
9-ROW	Moses Walters Survey, Abstract No. 1598	1.395 Acres / Permanent Right-of-Way Easement
9-TCE	Moses Walters Survey, Abstract No. 1598	0.0479 Acres / Temporary Construction Easement
9-TCE-1	Moses Walters Survey, Abstract No. 1598	0.739 Acres / Temporary Construction 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 1.395 acres in permanent right-of-way easement and a total of 0.7869 acres for temporary construction easements from improved property owned by Diljit Singh. The property is needed for the McCart Avenue/McPherson Boulevard Project, a public use that will extend McPherson Boulevard from Cleburne Road eastward to the future McCart Avenue. The land rights in the improved subject property are needed for new travel lanes, storm drainage

improvements, sidewalks, and streetlights as necessary. The property is located east of the intersection of Cleburne Road and McPherson Boulevard in Abstract No. 1598, Moses Walters Survey, 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."

This property is located in COUNCIL DISTRICT 6.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that upon approval of the above recommendation and award of commissioners, funds are available in the current capital budget, as appropriated, of the 2014 Bond Program, McCart Avenue/McPherson Boulevard Project No. C02505.

**Submitted for City Manager's Office by:** Kevin Gunn          2015

**Originating Business Unit Head:** Roger Venables      6334

**Additional Information Contact:** Niels Brown          5166