

City of Fort Worth, Texas

Mayor and Council Communication

DATE: 01/23/24 M&C FILE NUMBER: M&C 24-0083

LOG NAME: 21CONDEMN 102782 P21 SS CONTRACT 107 JUDY BUTTS

SUBJECT

(CD 3) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.010 Acres in Permanent Sanitary Sewer Easement from Real Property Owned by Judy Butts, Located at 7309 Davenport Avenue, Fort Worth, Tarrant County, Texas, for the Sanitary Sewer Rehabilitation Contract 107 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 permanent sanitary sewer facility easement in approximately 0.010 acres from real property owned by Judy Butts, located at 7309 Davenport Avenue, Fort Worth, Tarrant County, Texas 76116 in the Ridglea West Addition, Lot 9 Block 12, Fort Worth, Tarrant County, Texas, 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 interest for the Sanitary Sewer Rehabilitation Contract 107 Project (City Project No. 102782);
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 for the construction, operation, maintenance, replacement, upgrade and repair of the permanent sewer line facility on the Sanitary Sewer Rehabilitation Contract 107 Project as necessary. This rehabilitation project will be for public use to repair damaged sewer lines, allow better flow within the sewer pipes and help prevent sewer backups on L-3100.

An independent appraisal established the fair market value for the property interest (shown below) in the amount of \$2,231.00. 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 permanent sewer easement interest on the property.

Parcel No.	Legal Description	Acreage/Property Interest
21	Ridglea West Addition, Block 12, Lot 9, City of Fort Worth, Tarrant County	0.010 / Permanent Sanitary Sewer 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 0.010 acres in permanent sanitary sewer easement from real property owned by Judy Butts. The land rights in the subject property are needed for the Sanitary Sewer Rehabilitation Contract 107 project, a public use that will repair damaged sewer lines, allow better flow within the sewer pipes and help prevent sewer backups on L-3100. The property is located at 7309 Davenport Avenue in the Ridglea West Addition, Block 12, Lot 9, City of Fort Worth, Tarrant County. 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 W&S Capital Projects Fund for the purpose of funding the Sanitary Sewer Rehabilitation Contract 107 project, as appropriated.

This property is located in COUNCIL DISTRICT 3.

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 Projects

Fund for the SS Rehab Contract 107 project to support the approval of the above recommendations and acquisition of easement. Prior to any expenditure being incurred, the Water Department has the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: Dana Burghdoff 8018

Originating Business Unit Head: Ricardo Salazar 8379

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