

Mayor and Council Communication

DATE: 11/14/23

M&C FILE NUMBER: M&C 23-0952

LOG NAME: 21CONDEMN 100997 P3 & P4 SS M-245 PARALLEL RELIEF INTERCEPTOR

SUBJECT

(CD 11) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 1.1327 Acres in Permanent Sanitary Sewer Easement and 1.8736 Acres in Temporary Construction Easement from Real Property Owned by the Patricia Bowen Featherngill, LLC, Pamela B. Anderson, LLC, Bowen Trail, LLC, Edmund B. Frost, Robert H. Frost, Harold J. Frost, Robert W. Bowen, Pamela B. Anderson, Patricia Featherngill, Susan K. Bowen, George Marcum Frost LLLP, Wyatt Hans, and Callan Hans-Bowen, Located at 521 Beach Street in the Robert Cross Survey, Abstract No. 304, Tract 1C, Tarrant County, Texas, for the SS M-245 Parallel Relief Interceptor Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owners to acquire 1.1327 acres in permanent sanitary sewer easement and 1.8736 acres in temporary construction easement from real property owned by the Patricia Bowen Featherngill, LLC, Pamela B. Anderson, LLC, Bowen Trail, LLC, Edmund B. Frost, Robert H. Frost, Harold J. Frost, Robert W. Bowen, Pamela B. Anderson, Patricia Featherngill, Susan K. Bowen, George Marcum Frost LLLP, Wyatt Hans, and Callan Hans-Bowen, located at 521 Beach Street in the Robert Cross Survey, Abstract No. 304, Tract 1C, 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 M-245 Parallel Relief Interceptor Project (City Project No. 100997);
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 land rights in the subject property are needed for the Sanitary Sewer M-245 Parallel Relief Interceptor project, a public use project that will connect two downtown deep tunnel sewers with the two West Fork trunk sewers near 1st Street, north of Gateway park to address system capacity issues in the West Fork Basin. The project consists of a proposed scope of services includes a 13,600 foot, 60-inch sanitary sewer main; an additional 6,000 feet for the replacement and rehabilitation of various segments immediately upstream and downstream of the existing M-245 that are severely deteriorated and/or require rerouting to eliminate conflict with the Trinity Railway Express railroad track expansion project building encroachment; connection to the proposed 60-inch relief main and the existing M-245.

An independent appraisal established fair market value for the property interest in the total amount of \$60,489.00. 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
3-SSE	521 Beach Street, Robert Cross Survey, Abstract 304, Tract 1C	0.4413 Acres / Permanent Sanitary Sewer Easement
3-TCE	521 Beach Street, Robert Cross Survey, Abstract 304, Tract 1C	0.5788 Acres / Temporary Construction Easement
4-SSE	521 Beach Street, Robert Cross Survey, Abstract 304, Tract 1C	0.6914 Acres / Permanent Sanitary Sewer Easement
4-TCE	521 Beach Street, Robert Cross Survey, Abstract 304, Tract 1C	1.2948 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 1.1327 acres in permanent

sanitary sewer easement and 1.8736 acres in temporary construction easement from real property owned by the Patricia Bowen Featherngill, LLC, Pamela B. Anderson, LLC, Bowen Trail, LLC, Edmund B. Frost, Robert H. Frost, Harold J. Frost, Robert W. Bowen, Pamela B. Anderson, Patricia Featherngill, Susan K. Bowen, George Marcum Frost LLLP, Wyatt Hans, and Callan Hans-Bowen, located at 521 Beach Street in the Robert Cross Survey, Abstract No. 304, Tract 1C, Tarrant County, Texas. The land rights in the subject property are needed for the Sanitary Sewer M-245 Parallel Relief Interceptor project, a public use that will connect two downtown deep tunnel sewers with the two West Fork trunk sewers near 1st Street, north of Gateway park to address system capacity issues in the West Fork Basin. The land rights in the subject property will be used for the continuation of sanitary sewer improvements. The property is located at 521 Beach Street in the Robert Cross Survey, Abstract No. 304, Tract 1C, 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 for the Sanitary Sewer M-245 Parallel Relief Interceptor project is depicted below:

Fund	Existing Appropriations	Additional Appropriations	Project Total*
W&S WS Capital Project 2019 – Fund 56016	\$3,585,000.00	\$0.00	\$3,585,000.00
Project Total	\$3,585,000.00	\$0.00	\$3,585,000.00

*Numbers rounded for presentation purposes.

Funding is budgeted in the WS Capital Project 2019 Fund for the purpose of funding the Sanitary Sewer M-245 Parallel Relief Interceptor project, as appropriated.

This property is located in COUNCIL DISTRICT 11.

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 WS Capital Project 2019 Fund for the SS M245 Parallel Relief project to support the approval of the above recommendations. 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

Additional Information Contact: Jeremy Van Rite 2574