

City of Fort Worth, Texas

Mayor and Council Communication

DATE: 03/19/24 M&C FILE NUMBER: M&C 24-0205

LOG NAME: 21CONDEMN 103299 P14 MARC ENGLISH

SUBJECT

(CD 7) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.349 Acres in Right-of-Way Easement and 0.0182 Acres for a Drainage Easement from Real Property Owned by Marc English, Located at 7450 Bowman Roberts Road in the J. Mock Survey, Abstract No. 1994, and being a Portion of a Tract of Land Described as Tract 2C as Recorded in Instrument No. D217090187, Tarrant County, Texas, for the WJ Boaz Road Widening Improvements Project (2022 Bond Program)

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.349 acres in right-of-way easement and 0.0182 acres for a drainage easement from real property owned by Marc English, located at 7450 Bowman Roberts Road in the J. Mock Survey, Abstract No. 1994, and being a portion of a tract of land described as tract 2C as recorded in Instrument No. D217090187, Tarrant County, Texas, were unsuccessful due to the inability to negotiate agreeable terms for the property interests being acquired by the City;
2. Declare the necessity to acquire the described property interest for the WJ Boaz Road Widening Improvements project (City Project No. 103299);
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 reconstruction and widening of WJ Boaz Road from Boat Club Road to Elkins School Road (City Project No. 103299). This project consists of widening and reconstructing approximately 1.1 miles of existing two-lane asphalt roadway to a four-lane divided concrete thoroughfare. The roadway improvements include pavement reconstruction with curb and gutter, drainage improvements, street lights, shared used paths and reconstruction of the existing roundabout at Bowman Roberts Road.

An independent appraisal established the property's fair market value for the right-of-way and drainage easement property interests in the total amount of \$95,500.00. Negotiations were unsuccessful due to the inability to negotiate agreeable terms for the property interests being acquired by the City.

Upon approval, a condemnation action will be brought and a Special Commissioner's hearing held to acquire the right-of-way easement interest on the property.

Parcel No.	Legal Description	Acreage/Property Interest
14	J. Mock Survey, Abstract No. 1994, and Being a Portion of a Tract of Land Described as Tract 2C as Recorded in Instrument No. D217090187, Tarrant County, Texas	0.349 Acres / Right-of-Way Easement
14	J. Mock Survey, Abstract No. 1994, and Being a Portion of a Tract of Land Described as Tract 2C as Recorded in Instrument No. D217090187, Tarrant County, Texas	0.0182 Acres / Drainage 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 0.349 acres of land in right-of-way easement and 0.0182 acres of land in drainage easement from real property owned Marc English. The subject property is located at 7450 Bowman Roberts Road in the J. Mock Survey, Abstract No. 1994, and being a portion of a tract of land described as Tract 2C as recorded in Instrument No. D217090187, Tarrant County, Texas. The land rights in the subject property are needed for the WJ Boaz Road Widening Improvements project, a public use that provides for roadway improvements including pavement reconstruction with curb and gutter, drainage improvements, street lights, shared use paths and reconstruction of the existing roundabout at Bowman Roberts Road. The property interest to be

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