

City of Fort Worth, Texas

Mayor and Council Communication

DATE: 09/16/25 M&C FILE NUMBER: M&C 25-0875

LOG NAME: 21CONDEMN 103648 P 61 MARYS CREEK FORCE MAIN - WILLMAX

SUBJECT

(CD 3) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.565 Acres in Permanent Easement and Approximately 0.714 Acres for a Temporary Construction Easement Interest from Real Property Owned by Willmax FW Multi-Family LP, Located at 5401 Benbrook Boulevard, Benbrook, Tarrant County, Texas in the J.B. Foster Survey, Abstract No. 520, City of Benbrook, Tarrant County, Texas, for the Mary's Creek Force Main 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 0.565 acres permanent easement and approximately 0.714 acres for a temporary construction easement interest from real property owned by Willmax FW Multi-Family LP, located at 5401 Benbrook Boulevard, Benbrook, in the J.B. Foster Survey, Abstract No. 520, City of Benbrook, 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 Mary's Creek Confluence Lift Station Project (City Project No. 103648);
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 purpose of this Mayor and City Council Communication (M&C) is to recommend that the City Council authorize the condemnation by eminent domain to acquire 0.565 acres permanent easement and approximately 0.714 acres for a temporary construction easement interest from real property owned by Willmax FW Multi-Family LP, located at 5401 Benbrook Boulevard, Texas in the J.B. Foster Survey, Abstract No. 520, City of Benbrook, Tarrant County, Texas for the Mary's Creek Force Main project, (City Project No. 103648).

The project will transport wastewater to the future Mary's Creek Water Reclamation Facility in order to treat wastewater produced in the rapidly developing western part for the City and source high-quality reclaimed water for future businesses and industries in the area.

An independent appraisal established the property's fair market value of the Permanent Sewer easement and Temporary Construction Easement Acquisition in the total amount of \$262,508.00. 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 Commissioner's hearing held to acquire the Permanent Sewer Easement and Temporary Construction Easement Interest on the property.

Improved Subject Property		
Parcel No.	Legal Description	Acreage / Property Interest
61	J. B. FOSTER SURVEY, ABSTRACT NO. 520, CITY OF BENBROOK, TARRANT COUNTY, TEXAS	0.565 Acres / Permanent Easement Interest 0.714 Acres/ Temporary Easement Interest

To approve this 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 0.565 acres of land in Permanent Easement and approximately 0.714 acres for a Temporary Easement Acquisition from real property owned by Willmax FW Multi-Family LP. The subject property is located at 5401 Benbrook Boulevard, in the J.B. Foster Survey, Abstract No. 520, City of Benbrook, Tarrant County, Texas. The land rights in the subject property are needed for the Mary’s Creek Force Main, a public use that provides for transporting wastewater to the future Mary’s Creek Water Reclamation Facility in order to treat wastewater produced in the rapidly developing western part of the City. 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 Water & Sewer Bond 2017A Fund for the Water Department for the purpose of funding the MC LS Site & FM Align 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 Water & Sewer Bond 2017A Fund for the MC LS Site & FM Align project to support approval of the above recommendations and acquisition of easements. Prior to any expenditure being incurred, the Property Management and Water Departments have the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: Valerie Washington 6199

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