

Mayor and Council Communication

DATE: 02/16/21

M&C FILE NUMBER: M&C 21-0118

LOG NAME: 21CONDEMN CPN C02702 P14

SUBJECT

(Haltom City Near CD 4) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.166 Acres in Permanent Sewer Facility Easement, 0.348 Acres for a Temporary Access Easement and 0.247 Acres for a Temporary Construction Easement from Real Property Owned by TK & AS Investments, Inc., Located in the George Akers Survey, Abstract No. 30, Tract 2A, City of Haltom City, Tarrant County, Texas, for the Big Fossil Creek Parallel Relief Sanitary Sewer Main M-402A, Phase 2 Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.166 acres in permanent sewer facility easement, 0.348 acres for a temporary access easement and 0.247 acres for a temporary construction easement from real property owned by TK & AS Investments, Inc., located in the George Akers Survey, Abstract No. 30, Tract 2A, City of Haltom City, Tarrant County, Texas, were unsuccessful due to the inability to reach a mutually agreed upon value for the property interests being acquired by the City;
2. Declare the necessity to acquire the described property interests for the Big Fossil Creek Parallel Relief Sanitary Sewer Main M-402A, Phase 2 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 interests 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 construction, operation, maintenance, replacement, upgrade, and repair of the permanent sewer line facility as necessary. This new sewer line will be constructed for public use, providing parallel relief for sewer main M-402A, and funds for this project are part of the Water Department’s Sanitary Sewer Over Flow Initiative Program.

An interlocal agreement (CSC No. 40078) between the Cities of North Richland Hills, Richland Hills, Haltom City, and Fort Worth was executed in 2010 to repair and maintain the Tarrant County Water Supply Corporation (TCWSC) Line and the Haltom City Outfall Main and construct the Big Fossil Creek Relief Sewer. This interlocal agreement allocates the responsibilities and cost for the completion of this project including right-of-way and easement acquisitions regardless of the municipality in which the underlying property resides. In addition, Haltom City passed Resolution No. R-2020-034-11 on December 14, 2020, a copy of which is attached to this M&C, in support of the City's action to acquire the subject property through condemnation.

An independent appraisal established fair market value for the various property interests (shown below) in the total amount of \$22,692.00. 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 various property interests on the property.

Parcel No.	Legal Description	Acreage / Property Interest
14PE	George Akers Survey, Abstract No. 30, Tract 2A, City of Haltom City, Tarrant County, Texas	0.166 Acres / Permanent Sewer Easement
14TAE	George Akers Survey, Abstract No. 30, Tract 2A, City of Haltom City, Tarrant County, Texas	0.348 Acres / Temporary Access Easement
14TCE	George Akers Survey, Abstract No. 30, Tract 2A, City of Haltom City, Tarrant County, Texas	0.247 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 0.166 acres in permanent sewer facility easement, 0.348 acres for a temporary access easement and 0.247 acres for a temporary construction easement from real property

owned by TK & AS Investments, Inc. The property is needed for the Big Fossil Creek Parallel Relief Sanitary Sewer Main M-402A, Phase 2 project, a public use that will provide parallel relief for sewer main M-402A. The land rights in the subject property are needed for the construction, operation, maintenance, replacement, upgrade, and repair of the permanent sewer line facility as necessary. The property is located on the southside of Baker Boulevard between Big Fossil Creek and the junction of State Highway 26 and Baker Boulevard in the George Akers Survey, Abstract No. 30, Tract 2A, City of Haltom City, Tarrant County, Texas. The property interests to be acquired are described by metes and bounds and depicted by survey exhibits attached to this Mayor and Council Communication."

This property is located in the City of Haltom City near COUNCIL DISTRICT 4.

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 upon approval of the above recommendation and award of commissioners, funds are available in the current capital budget, as previously appropriated, of the Water/Sewer Bond 2016, Big Fossil Crk Sani Sewer Ph 2 Project No. C02702. The Property Management Department has the responsibility to validate the availability of funds prior to the expenditure of funds.

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

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