

# Mayor and Council Communication

**DATE:** 03/02/21

**M&C FILE NUMBER:** M&C 21-0155

**LOG NAME:** 21CONDEMNATION- 4851 E LOOP 820 -VSB

**SUBJECT**

(CD 5) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.441 Acres in Permanent Sewer Easement and 1.291 Acres for a Temporary Construction Easement from Improved Property Owned by VSB Investments, LLC, Located East of the Intersection of East Loop 820 South and Martin Street in the James W. Daniel Survey, Abstract 395, in the City of Fort Worth, Tarrant County, Texas, for the Lake Arlington Lift Station and Force Main Project

**RECOMMENDATION:**

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.441 acres in permanent sewer easement and 1.291 for a temporary construction easement from improved property owned by VSB Investments, LLC, located east of the intersection of East Loop 820 South and Martin Street James W. Daniel Survey, Abstract 395, City of Fort Worth, Tarrant County, Texas, were unsuccessful due to the inability to reach a mutually agreed upon value for the property interests the City is acquiring;
2. Declare the necessity to acquire the described property interest for the Lake Arlington Force Main and Lift Station 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 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 improved subject property are required to construct public sewer improvements that will increase conveyance capacity necessary to handle projected growth within the Village Creek Wastewater Basin. The Fort Worth Wastewater Master Plan recommends the installation of a lift station and force main within the lower reaches of the Village Creek Basin. This new sewer improvement will be constructed for public use and funds for this project were included within the Water & Sewer Capital Project 2018 (W&S Capital Proj 2018) fund proceeds. The land rights in the improved subject property are needed for a new force main sewer line.

An independent appraisal established fair market value for the permanent sewer and temporary construction property interests in the total amount of \$14,361.00. 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 permanent sewer easement and temporary construction easement on the property.

**Improved Subject Property**

| Parcel No. | Legal Description                                  | Acreage / Property Interest                   |
|------------|----------------------------------------------------|-----------------------------------------------|
| 29-PSE     | Being part of James W. Daniel Survey, Abstract 395 | 0.441 Acres / Permanent Sewer Easement        |
| 29-TCE     | Being part of James W. Daniel Survey, Abstract 395 | 1.291 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 0.441 acres in permanent sewer easement and 1.291 acres for a temporary construction easement from improved property owned by VSB Investments, LLC. The property is needed for the Lake Arlington Lift Station and Force Main project, a public use that will construct public sewer improvements, increasing conveyance capacity necessary to handle projected growth within the Village Creek Wastewater Basin. The property is located east of the intersection of East Loop 820 South and Martin Street James W. Daniel Survey, Abstract 395, City of Fort Worth, 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 Fort Worth near COUNCIL DISTRICT 5.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

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**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, in the W&S Capital Proj 2018 Fund for the Lake Arlington, FM, LS and SS project. Prior to any expenditure being incurred, the Water and Property Management Departments 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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