

Mayor and Council Communication

DATE: 06/27/23

M&C FILE NUMBER: M&C 23-0565

LOG NAME: 21INJUNCTION NW RADIO TOWER 13501 BATES ASTON RD

SUBJECT

(ETJ Near CD 10) Adopt Resolution Authorizing the City's Petition for a Temporary Injunction Against Cuisine Imports Management Inc., General Partner of Fort Worth Legacy Investments, L.P., the Owner of Property Located at 13501 Bates Aston Road, Haslet, Tarrant County, Texas 76052 and Being Lot 20R, Block 1, Haslet Heights in the W.C. Rall Survey, Abstract 1800 Seeking a Temporary Right of Entry to Conduct Due Diligence in Anticipation of the Information Technology Services Radio Transmit Site Project

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution authorizing the City Attorney to file a petition for a temporary injunction against Cuisine Imports Management Inc., General Partner of Fort Worth Legacy Investments, L.P., owner of property located at 13501 Bates Aston Road, Haslet, Tarrant County, Texas 76052 and being Lot 20R, Block 1, Haslet Heights in the W.C. Rall Survey, Abstract 1800 to gain access to the property in order to conduct due diligence in an anticipation of the Information Technology Services Radio Transmit Site Project.

DISCUSSION:

The City is in the planning stage of constructing the Information Technology Services (ITS) Radio Transmit Site (Project). The Project will provide expanded radio coverage, particularly in north Fort Worth and northwest Tarrant County. Considerable City development and expansion of City services in this quadrant have increased the need to extend radio coverage by implementing an additional radio transmission site and tower. In June 2022, Mayor and Council approved the interlocal agreement with Tarrant County to transfer funds towards implementing a transmitter site to expand coverage in these areas. One of the sites being considered by the City includes property owned by Fort Worth Legacy Investments, L.P. Records indicate that Cuisine Imports Management Inc. is the General Partner of Fort Worth Legacy Investments, L.P. Efforts to obtain permission to enter the property in order to perform due diligence work have been unsuccessful. Therefore, staff seeks Council authority to file suit to obtain a temporary injunction to allow employees of the City of Fort Worth, registered contractors and their sub-consultants to enter the property to perform due diligence work.

As part of the City's due diligence for the Project, the City needs a Temporary Right of Entry to perform the following:

1. Geo-technical analysis to include shovel testing and borings (backfilled upon drilling);
2. On-the-ground American Land Title Association (ALTA) boundary and topographic survey and appraisal;
3. Environmental jurisdiction determination to identify open waters or wetlands;
4. Environmental archaeological site review to identify cultural resources from history of operations in the area to include shovel testing along the alignment and backhoe trenching at key areas and creek crossings (backfilled upon completion);
5. Subsurface utility exploration to include Quality Level A Test Holes (backfilled upon completion);
6. In-situ soil resistivity testing to identify soil resistivity and perform staking around the site to establish reference points for proposed construction; and
7. General site observation.

Accordingly, it is recommended that the City Council adopt the attached Resolution authorizing the filing of the Petition for Temporary Injunction in Tarrant County, Texas.

This property is located near COUNCIL DISTRICT 10.

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 approval of this recommendation will have no material effect on City funds.

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Expedited