

Mayor and Council Communication

DATE: 01/13/26

M&C FILE NUMBER: M&C 26-0056

LOG NAME: 21CONDEMN CPN 103061 P1 LEBOW CHANNEL MITIGATION 36TH STREET

SUBJECT

(CD 2) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire Fee Simple Interest in Approximately 9.406 Acres from Real Property Owned by NRCT Diamond Hill, LLC. Located at 3601 Deen Road, Fort Worth, Tarrant County, Texas 76106 and Being Part of Lot 1, Block 1, Diamond Hill Townhomes Addition, Part of the South Gilmore Survey, Abstract No. 580 for the Lebow Channel Mitigation Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire a fee simple interest in approximately 9.406 acres from real property owned by NRCT Diamond, Hill, LLC. Situated in Lot 1, Block 1, Diamond Hill Townhomes Addition, part of the South Gilmore Survey, Abstract No. 580, Tarrant County, Texas, for the Lebow Channel Mitigation Project (City Project No. 103061) 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 Lebow Channel Mitigation Project (City Project No. 103061);
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;
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 condemnation by eminent domain of land for the fee simple interest is needed to construct the Lebow Channel Mitigation project (City Project No. 103061) for channel and culvert improvements at NE 36th Street in connection with the Upper Lebow flood mitigation improvements. Appropriations were previously authorized for property acquisition with Mayor & Council Communication (M&C) 25-0373.

The Lebow Channel area is a critical and high priority for flood mitigation. Five fatalities have occurred in the project area, where there are eight hazardous roadway overtopping locations and over 200 structures within the FEMA floodplain. The City developed an overall concept plan for the Lebow watershed and has worked on it since 2001. M&C 23-1058 and M&C 24-0280 provide additional details regarding the Lebow Channel Flood Mitigation project and grant funding that was applied for.

An independent appraisal established the property's fair market value of \$1,296,408.00 as total compensation for the needed fee simple interest (as shown below). 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 fee simple interest.

Parcel No.	Legal Description	Acreage / Property Interest
1	3601 Deen Road, Lot 1, Block 1, Diamond Hill Townhomes Addition, part of the S. Gilmore Survey, Abstract No. 580, Tarrant County, Texas	9.406 Acres / Fee Simple

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 a fee simple interest in approximately 9.406 acres from real property owned by NRCT Diamond Hill, LLC. The property is needed to construct the Lebow Channel Mitigation Project (City Project No. 103061) for channel and culvert improvements at NE 36th Street in connection with the Upper Lebow flood mitigation improvements. The property is located at 3601 Deen Road, Fort Worth, Tarrant County, Texas 76106 and Being Part of Lot 1, Block 1, Diamond Hill Townhomes Addition, Part of the S. Gilmore Survey, Abstract No. 580, Tarrant County, Texas. 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 Stormwater Capital Projects Fund for the purpose of funding the Lebow Channel Flood Mitigation project, as appropriated.

This property is located in COUNCIL DISTRICT 2.

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 Stormwater Capital Projects Fund for the Lebow Channel Flood Mit project to support the approval of the above recommendations and award of the acquisition. Prior to any expenditure being incurred, the Transportation & Public Works Department has the responsibility to validate the availability of funds.

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