

City of Fort Worth, Texas

Mayor and Council Communication

DATE: 01/13/26

M&C FILE NUMBER: M&C 26-0058

LOG NAME: 21CONDEMN 104489 PARCEL 6-SILVER CREEK -LS FM GS -THIRD PEAK,

SUBJECT

(CD 7) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 6.3268 Acres for Permanent Sanitary Sewer Easement Interests and 2.0959 Acres of Temporary Construction Easements from Real Property Owned by Third Peak, LP Located at 9770 N Verna Trail, City of Fort Worth, Tarrant County, Texas in the Jacob Wilcox #2 Survey, Abstract No.1725 and the John H. Smallwood Survey, Abstract No 1452, City of Fort Worth, Tarrant County, Texas, for the Silver Creek Lift Station, Force Main and Gravity Main Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that the negotiations between the City and the property owner to acquire 6.3268 acres of permanent sanitary sewer easement interests and 2.0959 acres of temporary construction easement interests from real property owned by Third Peak, LP, located at 9770 N Verna Trail, City of Fort Worth, Tarrant County, Texas in the Jacob Wilcox #2 Survey, Abstract No. 1725 and the John H. Smallwood Survey, Abstract No 1452, City of Fort Worth, Tarrant County, Texas, for the Silver Creek Lift Station, Force Main and Gravity Main project;
2. Declare the necessity to acquire the described property interests for the Silver Creek Lift Station, Forced Main and Gravity Main project (City Project No. 104489);
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 purpose of this Mayor and City Council Communication (M&C) is to recommend that the City Council authorize the condemnation of land for the Silver Creek Lift Station, Force Main and Gravity Main project (City Project No.104489).

The project consists of constructing approximately 6,100 linear feet of 30-inch sanitary sewer interceptor that will serve the proposed 10 million gallon per day (MGD) Silver Creek Lift Station, which is under construction. The sanitary sewer interceptor begins approximately 4,000 feet northwest of the Silver Creek Road and Verna Trail intersection and travels north within the floodplain and otherwise unavailable land to the intersection of Silver Creek Road and Western Oaks Road. The proposed sanitary sewer interceptor will convey sewage from the existing 24-inch M-515 sanitary sewer interceptor upstream of the existing Live Oak Lift Station through a proposed diversion structure.

Because the permanent easements to be acquired reduce the value of the remaining property, damages are owed. The acquisitions sever a 366,519 square foot remnant from the overall tract, limiting future use of that area and impacting the owner's fee simple property rights. The loss in value to the remainder is the difference between the value of the whole property before and after the City's easement acquisitions. Just compensation for the severed portion and resulting damages to the remainder will be \$219,032.00.

An independent appraisal established the property's fair market value of the permanent sanitary sewer easement and temporary construction easement acquisition including damages in the amount of \$466,483.00. Negotiations were unsuccessful due to the inability to negotiate agreeable terms for the interests being acquired by the City.

Upon approval, condemnation action will be brought and a Special Commissioner's hearing held to acquire the Permanent Sanitary Sewer Easement and Temporary Construction Easement Interests on the property.

Improved Subject Property

Parcel No.	Legal Description	Acreage / Property Interest
6	Jacob Wilcox #2 Survey Abstract No. 1725 and the John H. Smallwood Survey, Abstracts No. 1452, City of Fort Worth, Tarrant County, Texas	6.3268 Acres / Permanent Sanitary Sewer Easement Interest 2.0959 Acres/ Temporary Construction Easement Interest

To approve this M&C, the City 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 6.3268 acres of land in permanent sanitary sewer easement interests and 2.0959 acres in temporary construction easement interests from real property owned by Third Peak, LP. The subject property is located at 9770 N Verna Trail, City of Fort Worth, Tarrant County, Texas in the Jacob Wilcox #2 Survey, Abstract No. 1725 and the John H. Smallwood Survey, Abstract No 1452, City of Fort Worth, Tarrant County, Texas. The land rights in the subject property are needed for the Silver Creek Lift Station, Force Main and Gravity Main, a public use that provides for transporting wastewater. The property interests to be acquired is described by metes and bounds and depicted by survey exhibits attached to this Mayor and City Council Communication."

Funding is budgeted in the W&S Revenue Bonds Series 2024 Fund for the purpose of funding the Silver Creek Lift Station, Force Main and Gravity Main project, as appropriated.

Funding for the Silver Creek Lift Station, Force Main and Gravity Main project is depicted below.

Fund	Existing Appropriations	Additional Appropriations	Project Total*
56022 - W&S Rev Bonds Series 2024	\$2,838,118.00	\$0.00	\$2,838,118.00
56026 – W&S Commercial Paper	\$12,107,026.00	\$0.00	\$12,107,026.00
Project Total	\$14,945,144.00	\$0.00	\$14,945,144.00

*Numbers are rounded for presentation purposes.

This property is located in Council District 7.

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 the funds are available in the current capital budget, as previously appropriated, in the W&S Rev Bonds Series 2024 Fund for the Silver Creek LS/FM/GM project to support the approval of the above recommendations and condemnation authorization. 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

Originating Business Unit Head: Marilyn Marvin 7708

Additional Information Contact: Stuart Young 8379