

Mayor and Council Communication

DATE: 05/12/26

M&C FILE NUMBER: M&C 26-0370

LOG NAME: 21CPN 104345 P3 BOMBER SPUR TRAIL R

SUBJECT

(CD 3) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 1.015 Acres in Fee Simple from Real Property Owned by C. H. Norton (Deceased), Located at 4350 Southwest Boulevard, Fort Worth, Tarrant County, Texas 76116, for the Bomber Spur Trail Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City of Fort Worth and the property owners to acquire the fee simple interest in 1.015 acres from real property owned by C. H. Norton, (Deceased), in the amount of \$88,402.00 situated in the Franklin S. Perry Survey, Abstract No. 1226, City of Fort Worth, Tarrant County, Texas, and being a portion of a called 1.01 acre tract of land described as Tract No. 3 conveyed as a right-of-way easement to the United States of America as recorded in Volume 1492, Page 343 of the Deed Records of Tarrant County, Texas, and subsequently released in Volume 15317, Page 331 of said Deed Records of Tarrant County, Texas and also known as 4350 Southwest Boulevard, Fort Worth, Tarrant County, Texas 76116 (City Project No. 104345), were unsuccessful due to the inability to establish ownership;
2. Declare the necessity to acquire the described property interest for the Bomber Spur Trail project (City Project No. 104345);
3. Adopt the attached resolution authorizing the City of Fort Worth 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 subject property are needed for the Park & Recreation Department (PARD) to construct a 12' wide shared-use Bomber Spur Trail from Calmont Avenue to West Vickery Boulevard. When completed, the Bomber Spur Trail will feature a 12' wide paved trail, neighborhood trailheads, a pedestrian bridge over Camp Bowie Boulevard, retaining walls and ramps, landscape amenities, and street crossing signals.

On June 25, 2024, Council approved the fee acquisition of Parcel 3 under Mayor & Council Communication (M&C) 24-0581 from the parties then believed to be the property's lawful heirs. Subsequent due diligence identified unresolved issues in the chain of heirship. Accordingly, this M&C requests Council authorization to proceed with condemnation to obtain clear title.

An independent appraisal established the fair market value for the property interest (shown below) at \$88,402.00. Negotiations were unsuccessful due to the inability to find the heirs of the vested owner and obtain clear title for the property interest needed for the project.

Upon approval, a condemnation action will be brought, and a Special Commissioners' hearing will be held to acquire the fee simple interest on the property.

Improved Subject Property

Parcel No.	Legal Description	Acreeage / Property Interest
3	Franklin S. Perry Survey, Abstract No. 1226, City of Fort Worth, Tarrant County	1.015 Acres / Fee Simple

Acquisition of 1.015 acres of Parcel 3 is estimated to have a one-time cleanup cost of \$800.00.

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 the use of the power of eminent domain to acquire 1.015 acres in fee simple from real property owned by C. H. Norton (Deceased). The property interest is needed for the Bomber Spur Trail project to construct a 12' wide shared-use Bomber Spur Trail from Calmont Avenue to West Vickery Boulevard. The property is located at 4350 Southwest Boulevard, in the Franklin S. Perry Survey, Abstract No. 1226, 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 Grant Cap Projects Federal Fund and the General Fund for the Park and Recreation Department for the purpose of funding the Trail Gap Bomber Spur Ph I project, as appropriated. The federal funding is provided through the Texas Department of Transportation.

This property is located in COUNCIL DISTRICT 3.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the Grants Cap Projects Federal Fund and the General Fund for the Trail Gap Bomber Spur Ph I project to support the approval of the above recommendations and land acquisition. The financial records of the City will be updated to reflect this acquisition based upon the Capital Assets Policy contained within the Financial Management Policy Statements. Prior to an expenditure being incurred, the Property Management and Park & Recreation Departments have the responsibility to validate the availability of funds. This is a reimbursement grant.

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