

City of Fort Worth, Texas

# Mayor and Council Communication

DATE: 01/23/24 M&C FILE NUMBER: M&C 24-0085

LOG NAME: 21CONDEMN 103299 P10 WJ BOAZ CHEYENNE RIDGE LTD

SUBJECT

(CD 7) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.135 Acres in Right-of-Way Easement from Real Property Owned by Cheyenne Ridge, Ltd., Located at 6399 and 6398 Apalachee Trail in the Cheyenne Ridge Addition, an Addition to the City of Fort Worth, Block I and J, Lot 1X, Tarrant County, Texas, for the WJ Boaz Road Widening Improvements Project (2022 Bond Program)

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.135 acres in right-of-way easement from real property owned by Cheyenne Ridge, Ltd., located at 6399 and 6398 Apalachee Trail in the Cheyenne Ridge Addition, an addition to the City of Fort Worth, Block I and J, Lot 1X, Tarrant County, Texas, were unsuccessful due to the inability to obtain clear title from the property owner for the property interest being acquired by the City;
2. Declare the necessity to acquire the described property interest for the WJ Boaz Road Widening Improvements project (City Project No. 103299);
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 land rights in the subject property are needed for the reconstruction and widening of WJ Boaz Road from Boat Club Road to Elkins School Road (City Project No. 103299). This project consists of widening and reconstructing approximately 1.1 miles of existing two-lane asphalt roadway to a four-lane divided concrete thoroughfare. The roadway improvements include pavement reconstruction with curb and gutter, drainage improvements, street lights, shared used paths and reconstruction of the existing roundabout at Bowman Roberts Road.

An independent appraisal established the property's fair market value for the right-of-way property interest in the total amount of \$16,700.00. Negotiations were unsuccessful due to the inability to obtain clear title from the property owner, a forfeited/dissolved limited partnership, 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 right-of-way easement interest on the property.

Parcel No.	Legal Description	Acreage/Property Interest
10-1	Lot 1-X, Block J, Cheyenne Ridge Addition, City of Fort Worth, Tarrant County	0.0284 Acres / Right-of-Way Easement
10-2	Lot 1-X, Block I, Cheyenne Ridge Addition, City of Fort Worth, Tarrant County	0.1070 Acres / Right-of-Way 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 0.135 acres in right-of-way easements from real property owned by Cheyenne Ridge, Ltd., a Texas limited partnership. The subject property is located at 6399 and 6398 Apalachee Trail in the Cheyenne Ridge Addition, an addition to the City of Fort Worth, Block I and J, Lot 1X, Tarrant County, Texas. The land rights in the subject property are needed for the WJ Boaz Road Widening Improvements project, a public use that provides for roadway improvements including pavement reconstruction with curb and gutter, drainage improvements, street lights, shared use paths and reconstruction of the existing roundabout at Bowman Roberts Road. 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 TPW Dept Highway & Streets Department's Transportation Impact Fees Cap Fund for the purpose of funding the WJ Boaz Road Widening Improvements project, as appropriated.

This project is included in the 2022 Bond Program. The City's Extendable Commercial Paper (ECP) (M&C 22-0607; Ordinance 25675-08-2022) provides liquidity to support the appropriation. Available resources will be used to actually make any interim progress payments until debt is issued. Once debt associated with a project is sold, debt proceeds will reimburse the interim financing source in accordance with the statement expressing official Intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance 25515-05-2022).

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 funds are available in the current capital budget, as previously appropriated, in the Transportation Impact Fee Cap Fund for the WJ Boaz Rd West Half project to support approval of the above recommendations and acquisition of easement. Prior to any expenditure being incurred, the Property Management and Transportation and Public Works Departments have the responsibility to validate the availability of funds.

**Submitted for City Manager's Office by:** Dana Burghdoff 8018

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