

Mayor and Council Communication

DATE: 05/24/22

M&C FILE NUMBER: M&C 22-0389

LOG NAME: 21CAH 2209-2211 WESTERN AVE VOL ACQ

SUBJECT

(CD 7) Authorize Voluntary Acquisition of a Fee Simple Interest in Land and Improvements, Being All of Lot 30, Block 5, Hillcrest Addition, Located at 2209 and 2211 Western Avenue, Fort Worth, Texas 76107 from Andre R. Yanez and Amy S. Ankuda-Yanez in the Amount of \$345,000.00, Pay Estimated Closing Costs in the Amount of \$5,000.00 for a Total Cost of \$350,000.00, and Authorize Eligible Payments of Relocation Assistance in an Amount Up to \$31,000.00 and Eligible Moving Expenses in an Amount Up to \$10,000.00 for the Central Arlington Heights Voluntary Acquisition Project

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize the voluntary acquisition of a fee simple interest in land and improvements, being all of Lot 30, Block 5, Hillcrest Addition, located at 2209 and 2211 Western Avenue, Fort Worth, Texas 76107 from Andre R. Yanez and Amy S. Ankuda-Yanez in the amount of \$345,000.00 for the Central Arlington Heights Voluntary Acquisition project (City Project No. 101262);
2. Authorize payment of estimated closing costs up to \$5,000.00 for a total cost of \$350,000.00;
3. Authorize the payment of eligible relocation assistance in an amount up to \$31,000.00 and eligible moving expenses in an amount up to \$10,000.00; and
4. Authorize the City Manager or his designee to accept the fee simple conveyance and record the appropriate documents.

DISCUSSION:

The Central Arlington Heights Neighborhood is subject to severe localized flooding during rain events. Mitigating flood risk to the neighborhood through traditional drainage system improvements, such as increasing the capacity of the pipe system, is cost prohibitive. Voluntary property acquisition will relieve the residents in the most flood prone homes from ongoing exposure to flood damages. Therefore, funding has been appropriated from the Stormwater Capital Projects Fund to pursue a strategy of voluntary property acquisitions to mitigate chronic flood risk.

Eleven owners of the more flood prone Central Arlington Heights properties, including the owner of 2209 and 2211 Western Avenue, requested that the City of Fort Worth (City) buy them out. This property on Western Avenue was identified by the Stormwater Management Division (Stormwater) for voluntary acquisition and is being acquired with a combination of Stormwater Utility funding and reimbursement from the Federal Emergency Management Agency (FEMA) through a Flood Mitigation Assistance grant, which the City accepted on September 22, 2020 through Mayor and Council Communication (M&C) 20-0723. One other Western Avenue property purchase will be facilitated with this FEMA grant funding. Additionally, five properties on Carleton Avenue, immediately east of the Western Avenue properties described above, as well as four other properties on Western Avenue have already been acquired using the Stormwater Utility funds only.

An appraisal of the duplex property was prepared by an independent fee appraiser and a negotiated agreement has been reached with the property owner. This M&C authorizes the purchase of the improved 2209 and 2211 Western Avenue property in the amount of \$345,000.00 and the payment of estimated closing costs in an amount up to \$5,000.00. The real estate taxes will be pro-rated with the seller responsible for taxes due up to the closing date.

On April 7, 2015, City Council Resolution No. 4430-04-2015 authorized the adoption of the City of Fort Worth Relocation Assistance Rules. The rules are to ensure that the City provide relocation assistance and advisory services to qualifying persons, businesses, farming or ranching operations, or nonprofit organizations who are displaced in connection with the acquisition of real property for a public purpose and are compatible with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended. For this voluntary acquisition, the seller and seller's tenants are eligible to receive relocation assistance in the amount up to \$31,000.00 plus eligible moving expenses up to \$10,000.00.

Upon City Council approval, Staff will proceed with acquiring the fee simple interest in the property except for the mineral estate. The deed to the City will contain a surface waiver for the exploration of the mineral estate in addition to deed restrictions mandated by the FEMA grant including demolishing and removing all the existing property improvements within 90 days of closing the transaction and maintaining the vacant lot as greenspace in perpetuity.

Property Ownership	Property Interest	Property Size	Property Address / Legal Description	Amount
Andre R. Yanez & Amy S. Ankuda-Yanez	Fee Simple	0.1893 Acres	2209-2211 Western Ave / HILLCREST ADDITION-FORT WORTH, Block 5, Lot 30	\$345,000.00

		Total Estimated Closing Cost	\$5,000.00
		Property Purchase Cost	\$350,000.00
		Relocation Assistance (up to)	\$31,000.00
		Tenant Moving Costs (up to)	\$10,000.00
		Total Acquisition Costs	\$391,000.00

Funding is budgeted in the TPW Dept Highway & Streets Department's Grants Cap Projects Federal & State and Stormwater Capital Project Funds for the purpose of funding the CAH Voluntary Acquisition project, as appropriated.

The 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 Grants Cap Projects Federal, Grant Cap Projects State and Stormwater Capital Project Funds for the CAH Voluntary Acquisition Proj to support approval of the above recommendations and acquisition of the property. Prior to any expenditure being incurred, the Transportation & Public Works Department has the responsibility to validate the availability of funds.

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