

Mayor and Council Communication

DATE: 03/08/22

M&C FILE NUMBER: M&C 22-0159

LOG NAME: 20SW S CRAVENS TEMPORARY INJUNCTION

SUBJECT

(CD 5) Adopt Attached Resolution Authorizing the City's Petition for a Temporary Injunction Against Vass'e Enterprises Inc., the Owner of Property Located at 4201 South Cravens Road, Seeking a Temporary Right of Entry to Conduct Due Diligence in Anticipation of the South Cravens Road Culvert Improvements Project

RECOMMENDATION:

It is recommended that the City Council authorize the City Attorney to file a petition for a temporary injunction against Vass'e Enterprises Inc., the owner of property located at 4201 South Cravens Road, Fort Worth, Texas 76119, to gain access to the property in order to conduct due diligence necessary for the South Cravens Road Culvert Improvements Project.

DISCUSSION:

Approval of this Mayor & Council Communication (M&C) would authorize the City Attorney to file a petition for a temporary injunction against Vass'e Enterprises, Inc., the owner of property located at 4201 South Cravens Road, Fort Worth, Texas 76119, to gain access to the property in order to conduct due diligence necessary for the the South Cravens Road Culvert Improvements Project (Project). The Project is a high priority project in the Stormwater Management Division Hazardous Road Overtopping Mitigation (HROM) Program. The Project will improve drainage on South Cravens Road. The HROM Program is the highest priority of the Stormwater Management Division due to the life safety issues caused by hazardous road overtopping.

The property located immediately east of the Project is owned by Vass'e Enterprises Inc., a Texas corporation managed by Ms. Demetrica Williams. Efforts to obtain permission to enter the property to perform due diligence work have been unsuccessful. Therefore, staff seeks Council authority to file suit to obtain a temporary injunction to allow employees of the City of Fort Worth, registered contractors, consultants, and their sub-consultants to enter the property to perform due diligence work.

As part of the due diligence for the Project, a Temporary Right of Entry is needed to perform survey, evaluation for environmental jurisdiction determination, subsurface utility exploration, and general site observation.

Accordingly, it is recommended that the City Council adopt the attached resolution authorizing the filing of the Petition for Temporary Injunction in Tarrant County, Texas.

This property is in COUNCIL DISTRICT 5.

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 approval of this recommendation will have no material effect on City funds.

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Expedited