

# Mayor and Council Communication

**DATE:** 03/21/23

**M&C FILE NUMBER:** M&C 23-0227

**LOG NAME:** 21CONDEMN 102601 P2 301 S. SYLVANIA

**SUBJECT**

(CD 8 / Future CD 11) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.0059 Acres in Pedestrian Access Easement from Real Property Owned by Sai Kripa RB Investment Inc Located at 301 S. Sylvania Avenue in the Riverside Addition-Fort Worth, Block 29, Lots 1-3, Tarrant County, Texas for the East 4<sup>th</sup> Street-East 1<sup>st</sup> Street On-Street Bike Lane Project (2018 Bond Program)

**RECOMMENDATION:**

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.0059 acres in pedestrian access easement from real property owned by Sai Kripa RB Investment Inc located at 301 S. Sylvania Avenue in the Riverside Addition-Fort Worth, Block 29, Lots 1-3, Tarrant County, Texas were unsuccessful due to the inability to negotiate agreeable terms for the property interest being acquired by the City;
2. Declare the necessity to acquire the described property interest for the East 4<sup>th</sup> Street-East 1<sup>st</sup> Street On-Street Bike Lane project (City Project No. 102601);
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 land rights in the subject property are needed for the East 4<sup>th</sup> Street-East 1<sup>st</sup> Street project, which provides for the construction of new separated bicycle lanes, bicycle and pedestrian signalization, bicycle and pedestrian counters, and related intersection improvements along the project corridor.

An independent appraisal established fair market value for the property interest (as shown below) in the total amount of \$6,597.00. Negotiations were unsuccessful due the inability to negotiate agreeable terms for the property interest being acquired by the City.

Upon approval, a condemnation action will be brought and a Special Commissioners' hearing held to acquire the pedestrian access easement on the property.

Parcel No.	Legal Description	Acreage / Property Interest
02	Riverside Addition-Fort Worth, Block 29 Lot 1 Thru 3, Tarrant County, Texas	0.0059 Acres / Pedestrian Access 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 0.0059 acres in pedestrian access easement from real property owned by Sai Kripa RB Investment Inc. The land rights in the subject property are needed for the East 4<sup>th</sup> Street-East 1<sup>st</sup> Street On-Street Bike Lane project; a public use which provides for the construction of new separated bicycle lanes, bicycle and pedestrian signalization, bicycle and pedestrian counters, and related intersection improvements along the project corridor. The property is located at 301 S. Sylvania Avenue in the Riverside Addition-Fort Worth, Block 29, Lots 1-3, 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."

This project is included in the 2014 and 2018 Bond Program. Available resources within the General Fund will be used to provide Interim Financing until debt is issued. Once debt associated with the project is sold, bond proceeds will reimburse the General Fund In accordance with the statement expressing official intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance Nos. 21241-05-2014 and 23209-05-2018) and subsequent action taken by the Mayor and Council.

Funding is budgeted in the TPW Dept Highway & Streets Department's 2018 Bond Program Fund for the purpose of funding the E 4th St & E 1st St Improvemnt project, as appropriated.

This property is located in COUNCIL DISTRICT 8 / Future COUNCIL DISTRICT 11.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the 2018 Bond Program Fund for the E 4th St & E 1st St Improvement project to support the approval of the above recommendations and acquisition of easement. Prior to an expenditure being incurred, the Transportation and Public Works Department has the responsibility of verifying the availability of funds.

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