

Mayor and Council Communication

DATE: 08/27/24

M&C FILE NUMBER: M&C 24-0754

LOG NAME: 21CONDEMN 103309 P1 BENDERSON 85-1 TRUST 4464 N TARRANT PKWY

SUBJECT

(CD 4) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.0062 Acres in Right-of-Way Easement and 0.0105 Acres in Temporary Construction Easement from Real Property Owned by Ronald Benderson, Randall Benderson and David H. Balduaf as Trustees Under a Trust Agreement Dated October 14, 1985, Known as the Benderson 85-1 Trust, Located at 4464 North Tarrant Parkway in the Benderson Addition, Block A, Lot 1, Tarrant County, Texas, for the North Tarrant Parkway at North Beach Street Intersection Improvement Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City of Fort Worth and the property owner to acquire 0.0062 acres in right-of-way easement and 0.0105 acres in temporary construction easement from real property owned by Ronald Benderson, Randall Benderson and David H. Balduaf as Trustees under a Trust Agreement dated October 14, 1985, known as the Benderson 85-1 Trust, located at 4464 North Tarrant Parkway in the Benderson Addition, Block A, Lot 1, 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 North Tarrant Parkway at North Beach Street Intersection Improvement project (City Project No. 103309);
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 construction, operation, maintenance, replacement, upgrade and repair of the permanent dedicated right turn lane and sidewalk on the North Tarrant Parkway and North Beach Street Intersection Improvement project as necessary. This improvement project will be for public use to increase the intersection traffic capacity and safety, reduce vehicle delay, improve turning movements via dedicated right turn lanes and improve pedestrian facilities.

An independent appraisal established fair market value for the property interest (shown below) in the total amount of \$16,896.00. Negotiations were unsuccessful due to 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 permanent sewer easement interest on the property.

Improved Subject Property

Parcel No.	Legal Description	Acreage / Property Interest
1	Benderson Addition Block A Lot 1	0.0062 Acres / Right-of-Way Easement, 0.0105 Acres/Temporary Construction Easement

Funding is budgeted in the General Capital Projects Fund for the Transportation & Public Works Department for the purpose of funding the North Tarrant Parkway at North Beach Street Intersection Improvement project, as appropriated.

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 0.0062 acres in right-of-way easement and 0.0105 acres in temporary construction easement from real property owned by Ronald Benderson, Randall Benderson and David H. Balduaf as Trustees under a Trust Agreement dated October 14, 1985 known as the Benderson 85-1 Trust. The property interest is needed for a public use, the North Tarrant Parkway and North Beach Street Intersection Improvement project, for easements to construct a dedicated right turn lane and pedestrian sidewalk facilities improvements for improved traffic capacity and safety of intersection operation. The property rights in the subject property are needed for the construction, operation, maintenance, replacement, upgrade and repair of the permanent dedicated right turn lane and sidewalk facility as needed. The property is located at 4464 North Tarrant Parkway in the Benderson Addition, Block A, Lot 1, 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 property is located in COUNCIL DISTRICT 4.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the General Capital Projects Fund for the N Tarrant Pkwy at N Beach St project to support the approval of the above recommendations and acquisition of the easement. Prior to any expenditure being incurred, the Transportation and Public Works and Property Management Departments have the responsibility to validate the availability of funds.

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