

Mayor and Council Communication

DATE: 10/31/23

M&C FILE NUMBER: M&C 23-0934

LOG NAME: 21CONDEMN 103398 - PARCEL 1 VASSE ENTERPRISES

SUBJECT

(CD 5) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.618 Acres in Permanent Drainage Easement and 0.045 Acres in Temporary Construction Easement from Real Property Owned by Vass'e Enterprises, Located at 4201 South Cravens Road in the James M. Daniels Survey, Abstract No. 395, Tracts 3, 3D, 3E, 3F, 3F1 & 3G, Tarrant County, Texas, for the Hazardous Road Overtopping Mitigation South Cravens Road Culvert Improvements Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.618 acres in permanent drainage easement and 0.045 acres in temporary construction easement from real property owned by Vass'e Enterprises, located at 4201 S. Cravens in the James M. Daniels Survey, Abstract No. 395, Tracts 3, 3D, 3E, 3F, 3F1 & 3G, 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 Hazardous Road Overtopping Mitigation South Cravens Road Culvert Improvements Project (City Project No. 103398);
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 Hazardous Roadway Overtopping Mitigation (HROM) South Cravens Road Culvert Improvements Project, a public use project that will replace the bridge (S. Cravens Rd) and increase drainage capability to eliminate flooding.

An independent appraisal established fair market value for the property interest (shown below) in the total amount of \$116,548.00. 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 property interest (shown below) on the property.

Parcel No.	Property Address / Legal Description	Acreage / Property Interest
1-PDE	4201 S. CRAVENS ROAD / JAMES M. DANIEL SURVEY, ABSTRACT 395, TRACTS 3, 3D, 3E, 3F, 3F1 & 3G	0.618 Acres / Permanent Drainage Easement
1.1-TCE 1.2-TCE	4201 S. CRAVENS ROAD / JAMES M. DANIEL SURVEY, ABSTRACT 395, TRACTS 3, 3D, 3E, 3F, 3F1 & 3G	0.045 Acres / Temporary Construction 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 0.618 acres in permanent drainage easement and 0.045 acres in temporary construction easement from real property owned by the Vass'e Enterprises, located at 4201 S Cravens Drive in the James M Daniel Survey, Abstract No. 395, Tracts 3, 3D, 3E, 3F, 3F1, and 3G, Tarrant County, Texas. The property is needed for the Hazardous Roadway Overtopping Mitigation South Cravens Road Culvert Improvements Project (City Project No 103398), a public use project that will replace the bridge (S. Cravens Rd) and increase drainage capability to eliminate flooding. The land rights in the subject property are needed for the drainage improvements. 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 for HROM Cravens Rd Improvement project is depicted below:

Fund	Existing Appropriations	Additional Appropriations	Project Total*
52008 - Drainage Rev Bonds Series 2023	\$0.00	\$460,000.00	\$460,000.00
52007 – Stormwater Rev Bonds 2020	\$846,729.00	\$0.00	\$846,729.00
Project Total	\$1,306,729.00	\$0.00	\$1,306,729.00

Additional appropriations in the table above in the amount of \$460,000.00 is being appropriated on M&C 20SWM HROM S CRAVENS ROAD EASEMENTS set for council approval on 10/17/2023.

Funding is budgeted in the TPW Dept Highway & Streets Department's Drainage Rev Bonds Series 2023 Fund for the purpose of funding the HROM S Cravens Rd Culvert Improvement project.

This property is located 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 funds are available in the current capital budget, as previously appropriated, in the Drainage Rev Bonds Series 2023 Fund for the HROM S. Cravens Rd. Culvert Im project to support the approval of the above recommendations. Prior to any expenditure being incurred, the Transportation and Public Works Department has the responsibility to validate the availability of funds.

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