

City of Fort Worth, Texas

# Mayor and Council Communication

DATE: 01/23/24 M&C FILE NUMBER: M&C 24-0052

LOG NAME: 21CONDEMN 101014 P38 BEATEN PATH DEVELOPMENT ROWE

SUBJECT

(CD 10) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 4.378 Acres in Right-of-Way Easement from Real Property Owned by Beaten Path Development, Located at 541-1021 Avondale Haslet Road in the M.E.P. & P.RR. CO SURVEY #13 Abstract 1129 Tract 1, and 1 C, Tarrant County, Texas, for the Avondale Haslet Road Project (2018 Bond Program)

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City of Fort Worth and the property owner to acquire 4.378 acres in right-of-way easement from real property owned by Beaten Path Development, located at 541-1021 Avondale Haslet Road in the M.E.P. & P.RR. CO SURVEY #13, Abstract 1129 Tract 1, and 1C, 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 Avondale Haslet Road project (City Project No. 101014);
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 reconstruction and widening of Avondale Haslet Road from Willow Creek Drive to the eastern city limits of the City of Haslet at John Day Road (City Project No.101014). This project consists of widening and reconstructing approximately 2.4 miles of the existing two-lane asphalt roadway to a four-lane, divided, concrete urban arterial. The roadway improvements include improved drainage collection and drainage crossings designed for a 100-year storm, street illumination, ten-foot shared-use paths and traffic signal improvements at three intersections along Avondale Haslet Road.

An independent appraisal established fair market value for the right-of-way property interest in the total amount of \$678,781.00. 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 right-of-way easement interest on the property.

Parcel No.	Legal Description	Acreage/Property Interest
38	M.E.P. & P.RR. CO. Survey #13, Abstract 1129, Tract 1, and 1C, Tarrant County	4.378 Acres / Right-of-Way 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 4.378 acres in right-of-way easement from real property owned by Beaten Path Development. The land rights in the subject property are needed for the Avondale Haslet Road project, a public use that will reconstruct and widen Avondale Haslet Road from Willow Creek Drive to the eastern city limits of the City of Haslet at John Day Road. The property will be used for widening and reconstructing the existing two-lane asphalt roadway to a four-lane, divided, concrete urban arterial. The property is located at 541-1021 Avondale Haslet Road in the M.E.P. & P.RR. CO. Survey #13, Abstract 1129, Tract 1, and 1 C, 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."

Funding is budgeted in the TPW Dept Highway & Streets Department's 2018 Bond Program Fund for the purpose of funding the Avondale Haslet Road project, as appropriated.

This property is located in COUNCIL DISTRICT 10.

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 2018 Bond Program Fund for the Avondale Haslet Road project to support approval of the above recommendations and acquisition of easement. Prior to any expenditure being incurred, the Property Management and Transportation and Public Works Departments have the responsibility to validate the availability of funds.

**Submitted for City Manager's Office by:** Dana Burghdoff 8018

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