

# Mayor and Council Communication

DATE: 11/09/21

M&C FILE NUMBER: M&C 21-0858

LOG NAME: 21PMD 8900 JACKSBORO

## **SUBJECT**

(CD 7) Authorize the Acquisition of a Fee Simple Interest in 29.511 Acres of Land Situated in the Jacob Wilcox Survey No. 35, Abstract No. 1718 with a Site Address of 8900 Jacksboro Highway, in the City of Fort Worth, Tarrant County, Texas from Real Property Owned by XTO Energy Inc. in the Amount of \$3,100,000.00, Adopt the Attached Appropriation Ordinance, Authorize Up to \$20,000.00 for Pre-Acquisition Costs, Pay Estimated Closing Costs in an Amount Up to \$30,000.00, Dedicate the Property as Parkland as an Addition to the Fort Worth Nature Center & Refuge, and Amend the Fiscal Year 2022-2026 Capital Improvement Program

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## **RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize the acquisition of a fee simple interest in 29.511 acres of land situated in the Jacob Wilcox Survey No. 35, Abstract No. 1718 with a site address of 8900 Jacksboro Highway, in the City of Fort Worth, Tarrant County, Texas from real property owned by XTO Energy Inc. for the Fort Worth Nature Center & Refuge (City Project No. 103726) in the amount of \$3,100,000.00;
2. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the General Gas Lease Capital Projects Fund by increasing estimated receipts and appropriations in the OSAcq - 8900 Jacksboro Hwy project (City Project No. 103726) in the amount of \$3,150,000.00, and decreasing estimated receipts and appropriations in the Open Space Appropriations project (City Project No. PA0001) by the same amount, hereby authorizing the use of Open Space funds to provide land protection and preservation of the habitat, ecosystem, and recreational opportunities provided by the Fort Worth Nature Center & Refuge;
3. Find that the total purchase price of \$3,100,000.00 for the subject property is just compensation;
4. Authorize payment of estimated closing costs in an amount up to \$30,000.00;
5. Authorize the City Manager or his designee to accept the conveyance and record the appropriate instruments;
6. Accept the property and dedicate the property as parkland upon acceptance as an addition to the Fort Worth Nature Center & Refuge; and
7. Amend the Fiscal Year 2022-2026 Capital Improvement Program.

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## **DISCUSSION:**

The purpose of this Mayor and Council Communication (M&C) is to authorize the acquisition of 29.511 acres of undeveloped land at 8900 Jacksboro Highway for the purpose of providing additional special use, natural prairie parkland at the Fort Worth Nature Center & Refuge (FWNCR). The property will be integrated into the FWNCR as endorsed in the Nature Center Master Plan approved by City Council on June 17, 2003 (M&C G-13998). Land use recommendations in the Master Plan recommend the acquisition or annexation of property along Jacksboro Highway.

Maintenance will be provided by the Park & Recreation Department (PARC). Funds for annual maintenance will be budgeted in the PARC annual operating budget, and funding for operations and maintenance will be allocated to the PARC's base budget beginning in Fiscal Year (FY) 2023.

This acquisition is estimated to increase the department's acreage by 29.511 acres and annual maintenance by \$3,082.00 beginning in FY2022. As of September 30, 2021, the cumulative total of all previously approved M&Cs increased the department's acreage by an estimated 78.76 acres and estimated annual maintenance by \$456,391.00 beginning in FY2023.

It is estimated that \$20,000.00 of Open Space Appropriations project funding is needed for initial site investigation activities such as appraisal, earnest money, survey, staff time, Environmental Site Assessment Phase I, and other applicable costs associated with evaluating the property.

An independent appraisal established fair market value for the property and the property owner has agreed to a negotiated amount of \$3,100,000.00 for the fee simple interest in the land. The real estate taxes will be pro-rated with the seller being responsible for taxes due up to the closing date. The City will pay total estimated closing costs up to \$30,000.00. Funding for this acquisition will come from the Open Space Conservation Program as the acquisition helps preserve the important habitat, ecosystem services, and recreational opportunities provided by the FWNCR.

As with all use of funding for Open Space Appropriations acquisition, any unused funding upon actual project completion will be returned to the Open Space project. Open Space funding was not included in the FY2022-2026 Capital Improvement Program. Open Space will continue to be appropriated via M&Cs as funding becomes available and each acquisition or use of funds is identified and requested for approval by Mayor and Council. The action on this M&C will update the FY2022-2026 Capital Improvement Program.

Upon City Council approval, Staff will proceed with acquiring the fee simple interest in the property except for the mineral estate. The deed to the City will contain a surface waiver for the exploration of the mineral estate.

Property Ownership	Parcel	Property Address / Legal Description	ROW/Fee Simple	Amount
XTO Energy Inc.	1	8900 Jacksboro Highway/ Jacob Wilcox Survey #35, Abstract No. 1718 and Lot 1A & 1B, Block 1, Fox Addition Fort Worth	29.511 Acres	\$3,100,000.00
			Pre-Acquisition Costs	\$20,000.00
			Total Estimated Closing Costs	\$30,000.00
			<b>Total Acquisition Cost</b>	<b>\$3,150,000.00</b>

This property is located in COUNCIL DISTRICT 7.

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 currently available in the Open Space Appropriations project within the General Gas Lease Capital Prj Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the General Gas Lease Capital Prj Fund for the OSAcq - 8900 Jacksboro Hwy project. Prior to an expenditure being incurred, the Property Management Department and the Transportation & Public Works Department have the responsibility of verifying the availability of funds.

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

**Originating Business Unit Head:** Steve Cooke 5134

**Additional Information Contact:** Ricky Salazar 8379

Expedited