

# Mayor and Council Communication

**DATE:** 08/23/22

**M&C FILE NUMBER:** M&C 22-0638

**LOG NAME:** 21C00969 P04 CONDEMN

**SUBJECT**

(CD 2) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.019 Acres in Permanent Sewer Easements from Real Property Owned by Forward Fort Worth River Project, LTD, Located at 920 North Houston Street, City of Fort Worth, Tarrant County, Texas for the Trinity River Vision Project

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**RECOMMENDATION:**

It is recommended that the City Council:

1. Declare that negotiations between the City of Fort Worth and the property owner to acquire 0.019 acres in permanent sewer easements from property owned by Forward Fort Worth River Project, LTD, located at 920 North Houston Street, Lot A, Block One of J.W. Nichols Company, Addition, City of Fort Worth, Tarrant County, Texas were unsuccessful due to the inability to reach a mutually agreed upon value for the property interest being acquired;
2. Declare the necessity to acquire the described property interest for the Trinity River Vision project (City Project C00969);
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.

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**DISCUSSION:**

The property rights in the improved subject property are required to construct public sewer improvements on the Trinity River Vision project (City Project No. C00969).

An independent appraisal established fair market value for the permanent sewer in the total amount of \$41,000.00. Negotiations were unsuccessful due to the inability to reach a mutually agreed upon value for the property interests being acquired. Upon approval, a condemnation action will be brought and a Special Commissioners' hearing held to acquire the property interests on the property.

**Improved Subject Property**

Parcel No.	Legal Description	Acreage / Property Interest
4-PSE	Lot A, Block 1, J.W. Nichols Company Addition	0.019 Acres / Permanent Sewer 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 0.019 acres in permanent sewer easements owned by Forward Fort Worth River Project, LTD., located at 920 North Houston Street, situated in Lot A, Block 1, J.W. Nichols Company Addition, City of Fort Worth, Tarrant County, Texas. The property is needed for the Trinity River Vision Project, a public use that will construct public sewer improvements increasing conveyance capacity necessary to handle projected growth within the Central City project. The land rights in the subject property are needed for the sewer line 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 is budgeted in the Wastewater Dept Public Utility Department's W&S Rev Bonds Series 2021 Fund for the purpose of acquiring the property easement interests required to construct sewer improvements for the Trinity River Vision, Phase 1 project, as appropriated.

This property is located in COUNCIL DISTRICT 2.

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 W&S Rev Bonds Series 2021 Fund for the Trinity River Vision, Phase 1 project to support the approval of the above recommendation and acquisition of the easement interests. Prior to an expenditure being incurred, the Water Department has the responsibility of verifying the availability of funds.

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

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