

Mayor and Council Communication

DATE: 05/24/22

M&C FILE NUMBER: M&C 22-0392

LOG NAME: 21PMD 103052 P1 2812 DECATUR AVE CONDEMNATION

SUBJECT

(CD 2) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.3559 Acres in Fee Simple from Real Property Owned by Westcrest Partners, LLC, Located at 2812 Decatur Avenue, in the Martin Roddy Survey, Abstract 1370, Tarrant County, Texas, for the 28th at Decatur Hazardous Road Overtopping Mitigation 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 0.3559 acres in fee simple owned by Westcrest Partners, LLC, located at 2812 Decatur Avenue, in the Martin Roddy Survey, Abstract 1370, Tarrant County, Texas, for the 28th at Decatur HROM project, were unsuccessful due to the inability to come to an agreement of terms;
2. Declare the necessity to acquire the described property interests for the 28th at Decatur Hazardous Road Overtopping Mitigation project (City Project No. 103052);
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 interests 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 required for the 28th Street at Decatur Hazardous Road Overtopping Mitigation (HROM) project. This project is a continuation of improvements to Lebow Channel. The drainage improvements will mitigate the risk of hazardous road overtopping near the intersection to better protect drivers from road flooding. It will also reduce flooding at the 28th Street railroad underpass west of the intersection during intense storm events.

An independent appraisal established fair market value for the property interests in the total amount of \$27,129.00. Negotiations were unsuccessful due to the inability to come to an agreement of terms.

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
P1	Martin Roddy Survey Abstract 1370	0.3559 Acres / Fee Simple

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 0.3559 acres in Fee Simple, from real property owned by Westcrest Partners, LLC. The property is needed for the 28th Street at Decatur Hazardous Road Overtopping Mitigation (HROM) Project, a public use that will provide channel improvements for Lebow channel upstream and downstream of 28th Street at Decatur Avenue as part of the Lebow Channel master plan improvements. The land rights in the subject property are needed for the continuation of drainage improvements to Lebow Channel and will mitigate the risk of hazardous road overtopping near the intersection to better protect drivers from road flooding. It will also reduce flooding at the 28th Street railroad underpass west of the intersection during intense storm events as necessary. The property is located at 2812 Decatur Avenue in the Martin Roddy Survey, Abstract 1370, Tarrant County, Texas. The property interests to be acquired are 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 Stormwater Rev Bonds 2020 Fund for the purpose of funding the 28th Str at Decatur HROM 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.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the Stormwater Rev Bonds 2020 Fund for the 28th Str at Decatur HROM project to support the approval of the above recommendations and the purchase of the property interests. Prior to any expenditure being incurred, the Transportation and Public Works and Property Management Departments have the responsibility to validate the availability of funds.

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

Originating Business Unit Head: Steve Cooke 5134

Additional Information Contact: Niels Brown 5166
Deanna Wright 6349