

# Mayor and Council Communication

**DATE:** 12/10/24

**M&C FILE NUMBER:** M&C 24-1153

**LOG NAME:** 21CONDEMN 102930 P2 HOMEURWAY, LLC

**SUBJECT**

(CD 5) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.0108 Acres in Permanent Sewer Easement from Real Property Owned by HOMEURWAY, LLC Located at 4600 Burton Avenue in the Eastwood Terrace Addition, Block 7, Lot 9, Tarrant County, Texas, for the 2022 Bond Yr 1 - Contract 4 Project

**RECOMMENDATION:**

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.0108 acres in permanent sewer easement from real property owned by HOMEURWAY, LLC located at 4600 Burton Avenue in the Eastwood Terrace Addition, Block 7, Lot 9, Tarrant County, Texas, were unsuccessful due to the inability to negotiate agreeable terms for the property interests being acquired by the City;
2. Declare the necessity to acquire the described property interest for the Wastewater Department's W&S Capital Projects Fund, a public use that will upgrade and repair the permanent sewer line facility.
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 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 property rights in the subject property are needed for the construction, operation, maintenance, replacement, upgrade and repair of the permanent sewer line facility on the 2022 Bond Yr 1 - Contract 4 project as necessary. This rehabilitation project will provide for the replacement of severely deteriorated public sanitary sewer main.

An independent appraisal established fair market value for the property interests (shown below) in the total amount of \$1,876.00. Negotiations were unsuccessful due to the inability to negotiate agreeable terms for the property interests being acquired by the City.

Upon approval, a condemnation action will be brought and a Special Commissioners' hearing held to acquire the permanent sewer easement interests on the property.

**Improved Subject Property**

| <b>Parcel No.</b> | <b>Legal Description</b>                                      | <b>Acreage / Property Interest</b>               |
|-------------------|---|--|
| 1                 | 4600 Burton Avenue, Eastwood Terrace Addition, Block 7, Lot 9 | 0.0108 Acres / Permanent Sewer Facility Easement |

Funding is budgeted in the Wastewater Department's W&S Capital Projects Fund for the purpose of funding the SS Rehab. Contract project, as appropriated.

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 0.0108 acres in permanent sewer facility easement from real property owned by HOMEURWAY, LLC. The property is needed for the Wastewater Department's W&S Capital Projects Fund, a public use that will upgrade and repair the permanent sewer line facility. The land rights in the subject property are needed for the construction, operation, maintenance and replacement of the sewer facility improvements as necessary. The property is located at 4600 Burton Avenue in the Eastwood Terrace Addition, Block 7, Lot 9, 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."

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 W&S Capital Projects Fund for the 2022 Bond Yr 1 - Contract 4 project to support the above recommendations and acquisition of easement. Prior to any expenditure being incurred, the Water 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:** Marilyn Marvin 7708  
Ricardo Salazar 8379

**Additional Information Contact:** Niels Brown 5166  
Armando Calva 2570