

Mayor and Council Communication

DATE: 06/09/26

M&C FILE NUMBER: M&C 26-0475

LOG NAME: 21CONDEMN 105267 P01 & PO3 EL CAMPO & ASHLAND STORM DRAIN

SUBJECT

(CD 7) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire a Total of 2,180 Square Feet of Temporary Construction Easement Rights From Real Properties Owned by: Barry G. Caldwell, Located at 2321 Ashland Avenue, City of Fort Worth, Tarrant County, Texas, and Being Part of Lots B and C, Block 12 of Hill Crest Addition, as Recorded in Volume 1049, Page 165, Plat Records of Tarrant County, Texas; and Jace Joseph Jackson & Laura Kate Jackson, Located at 2316 Tremont Avenue, City of Fort Worth, Tarrant County, Texas, and Being Part of Lots D and F, Block 12 of Hill Crest Addition, as Recorded in Volume 1049, Page 165 Plat Records of Tarrant County, Texas, For the El Campo & Ashland Storm Drain Relocation Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owners to acquire 2,180 square feet of temporary construction easement rights have been unsuccessful due to the inability to negotiate agreeable terms for the necessary property interests owned by Barry G. Caldwell, located at 2321 Ashland Avenue, City of Fort Worth, Tarrant County, Texas, and being part of Lots B and C, Block 12 of Hill Crest Addition, as recorded in Volume 1049, Page 165, Plat Records of Tarrant County, Texas; Jace Joseph Jackson & Laura Kate Jackson, located at 2316 Tremont Avenue, City of Fort Worth, Tarrant County, Texas, and being part of Lots D and F, Block 12 of Hill Crest Addition, as recorded in Volume 1049, Page 165 Plat Records of Tarrant County, Texas, for the El Campo & Ashland Storm Drain Relocation project (City Project No. 105267);
2. Adopt the attached resolution authorizing the City of Fort Worth to use its power of eminent domain to acquire the necessary property interests for public use;
3. Authorize the City Attorney to institute condemnation by eminent domain proceedings to acquire the described property interests from the property owners;
4. Authorize payments pursuant to an award of commissioners or negotiated settlements;
5. Authorize the City Manager or his designee to accept and record the appropriate documents;
6. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the Drainage Revenue Bonds Series 2023 Fund in the amount of \$30,000.00 by increasing estimated receipts and appropriations in the El Campo Avenue and Ashland Avenue Storm Drain Relocation project (City Project No. 105267) and decreasing estimated receipts and appropriations in the Stormdrain Pipe Rehab programmable project (City Project No. P00114) by the same amount; and
7. Amend the Fiscal Years 2026-2030 Capital Improvement Program.

DISCUSSION:

The City has identified the need for drainage pipe improvements along El Campo Avenue and Ashland Avenue as part of the citywide Storm Drain Rehabilitation Program. The land rights for the subject properties are required for the El Campo & Ashland Storm Drain Relocation Project and will necessitate additional temporary construction areas to properly grout and abandon the existing deteriorated storm pipe.

An independent appraisal established the fair market value of the property interests, including temporary construction easement rights in the amount of \$20,928.00.

Despite good-faith efforts, negotiations were unsuccessful due to the parties' inability to reach an agreement on acceptable terms for the acquisition by the City.

Upon approval, a condemnation action will be brought forward and a Special Commissioners' hearing held to acquire the necessary property interests (shown below).

OWNER	PROPERTY INTEREST/LEGAL DESCRIPTION/ PROPERTY ADDRESS	OFFER
Barry G. Caldwell (Parcel 01 TCE)	A temporary construction easement of approximately 1,355 square feet being part of Lots B & C, Block 12, Hill Crest Addition, an addition to the City of Fort Worth, Tarrant County, Texas, otherwise known as 2321 Ashland Avenue, City of Fort Worth, Tarrant County Texas and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.	\$13,008.00

Jace Joseph Jackson & Laura Kate Jackson (Parcel 03 TCE)	A temporary construction easement of approximately 825 square feet, being part of Lots D and F, Block 12 of the Hill Crest Addition, as recorded in Volume 1049, Page 165 Plat Records of Tarrant County, Texas, otherwise known as 2316 Tremont Avenue, further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.	\$7,920.00
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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:

1,355 square feet of temporary construction easement rights from Barry G. Caldwell, owner of property located at 2321 Ashland Avenue, City of Fort Worth, Tarrant County, Texas, and being part of Lots B & C, Block 12, Hill Crest Addition, an addition in the City of Fort Worth, Tarrant County, Texas; and

825 square feet of temporary construction easement rights from Jace Joseph Jackson & Laura Kate Jackson, owners of property located at 2316 Tremont Avenue, City of Fort Worth, Tarrant County, Texas, and being part of Lots D & F, Block 12, of the Hill Crest Addition, an addition to the City of Fort Worth, Tarrant County, Texas.

The land rights in the subject properties are needed for a public use, the El Campo & Ashland Storm Drain Relocation project, which will require additional temporary construction areas to properly grout and abandon the existing deteriorated storm drain pipe. The property interests to be acquired are described by metes and bounds and depicted by survey exhibits attached to this Mayor and Council Communication.

The first record vote applies to all units of property to be condemned and the minutes shall reflect that the first vote applies to all units."

Funding is available in the Stormdrain Pipe Rehab programmable project within the Drainage Rev Bonds Series 2023 Fund for the purpose of funding the El Campo and Ashland project.

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 Stormdrain Pipe Rehab programmable project within the Drainage Rev Bonds Series 2023 Fund and upon approval of the recommendations and adoption of the appropriation ordinance, funds will be available in the Drainage Rev Bonds Series 2023 Fund for the El Campo and Ashland project to support the acquisition of easements. Prior to an expenditure being incurred, the Property Management Department and Transportation & Public Works Department have the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: Valerie Washington 6199

Originating Business Unit Head: Marilyn Marvin 7708

Additional Information Contact: Stuart Young 8379