

Mayor and Council Communication

DATE: 06/09/26

M&C FILE NUMBER: M&C 26-0477

LOG NAME: 21CONDEMN 104940-4 NORTHSIDE III 54-INCH WATER TRANSMISSION

SUBJECT

(CD 10) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 178,456 Square Feet Of Permanent Water Main Easements Rights and 299,548 Square Feet of Temporary Construction Easements Rights, From Real Properties Owned by: Knox Street Partners No. 13, LTD; Wellington Homeowner's Association; Priscilla "Patsy" Porter Speed, Jarvis H. Porter, Mary Sue Rabe and Joe Whitley Wilder, Sr. Trustee of the Joe Whitley Wilder, Sr. and Ann Porter Wilder Family Trust, as Created Under the Last Will and Testament of Ann Porter Wilder; Houston Copart Salvage Auto Auctions Limited Partnership; RDS Opportunity Fund, LLC; Houston Copart Salvage Auto Auctions Limited Partnership; Keith Sturgeon; Jarvis Porter, Ann Porter Wilder, Mary Sue Porter Rabe, Mary S. Porter Rabe, and Priscilla Jane Porter Speed; HPC Wellington North Development Corporation; and Ron Sturgeon Real Estate, L.P. for the Northside III 54-Inch Water Transmission Main, Phase 4 Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owners to acquire 178,456 square feet of permanent water main easement rights and 299,548 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; Knox Street Partners No. 13, LTD, Located at the southeast corner of Blue Mound Road West and Hicks Avondale School Road and along the south side of Blue Mound Road West, approximately 160 feet west of Hulson Trail, City of Fort Worth, Tarrant County, Texas, being a portion of land out of the James Rightly Survey, Abstract No. 1268 and the Memphis, El Paso and Pacific Railroad Survey, Abstract No. 1111, City of Fort Worth, Tarrant County, Texas; Wellington Homeowner's Association, Located at 1533 Stowers Trail, City of Fort Worth, Tarrant County, Texas, being Lot 1X, Block 16, of the Wellington Addition, an addition to the City of Fort Worth, Tarrant County, Texas; Priscilla "Patsy" Porter Speed, Jarvis H. Porter, Mary Sue Rabe and Joe Whitley Wilder, Sr. Trustee of the Joe Whitley Wilder, Sr. and Ann Porter Wilder Family Trust, as created under the Last Will and Testament of Ann Porter Wilder, Located at 11996 Willow Springs Road, City of Fort Worth, Tarrant County, Texas, being situated in the James Rightly Survey Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; Houston Copart Salvage Auto Auctions Limited Partnership, Located at 1000 & 1020 Blue Mound Road, City of Fort Worth, Tarrant County, Texas, and being situated in the James Rightly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; RDS Opportunity Fund, LLC, Located at 880 Blue Mound Road, City of Fort Worth, Tarrant County, Texas, and being situated in the James Rightly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; Houston Copart Salvage Auto Auctions Limited Partnership, Located at 841 Blue Mound Road, City of Fort Worth, Tarrant County, Texas, and being situated in the James Rightly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; Keith Sturgeon, Located at 834 Blue Mound Road, City of Fort Worth, Tarrant County, Texas, and being situated in the James Rightly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; Jarvis Porter, Ann Porter Wilder, Mary Sue Porter Rabe, Mary S. Porter Rabe, and Priscilla Jane Porter Speed, Located at 820 Blue Mound Road West, City of Fort Worth, Tarrant County, Texas, and being situated in the James Rightly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; HPC Wellington North Development Corporation, Located at the northwest corner of Sebright Trail and Hulson Trail, City of Fort Worth, Tarrant County, Texas, and being situated in the James Rightly Survey, Abstract No. 1268 and the Memphis, El Paso and Pacific Railroad Survey, Abstract No. 1111, City of Fort Worth, Tarrant County, Texas; Ron Sturgeon Real Estate, L.P., Located at 850 Blue Mound Road, City of Fort Worth, Tarrant County, Texas, and being situated in the James Rightly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; for the Northside III 54-Inch Water Transmission Main, Phase 4 project. Declare the necessity to acquire the described property interests for the Northside III 54-Inch Water Transmission Main, Phase 4 project (City Project No. 104940);
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; and
5. Authorize the City Manager or his Designee to accept and record the appropriate documents.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to request approval to adopt a resolution authorizing the use of eminent domain to acquire 178,456 square feet of permanent water-main easement rights and 299,548 square feet of temporary construction easement rights from multiple Real Properties needed for the Northside III 54-Inch Water Transmission Main, Phase 4 project.

The Northside III 54-inch Water Transmission Main project (City Project No. 104940) includes a 54-inch water line that will be installed from Peden Road/Business 287 to Blue Mound Road/Wagley Robertson Road. This project aims to enhance the system's capacity, improve its reliability, and support ongoing growth and water demand in north Fort Worth. Once completed, along with the other four phases, the project will be capable of delivering an additional 82 million gallons per day (MGD) of water for both existing and future developments.

The land rights for the subject properties are required for the Northside III 54-inch Water Transmission Main project, which will enhance system capacity, improve reliability, and support continued growth and water demand in north Fort Worth.

An independent appraisal established the Fair Market Value of the property interests, including permanent water main easement rights and temporary construction easement rights, at a total of \$630,024.00. Despite good-faith efforts, negotiations were unsuccessful due to the parties' inability to reach agreement on acceptable terms for the acquisition by the City of Fort Worth (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 |
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| <p>Knox Street Partners No. 13, LTD (Parcels 20 Part 1 and Part 2 PWME, 21 Part 1 and Part 2 TCE)</p> | <p>A permanent water main easement of approximately 48,485 square feet and 23,363 square feet and a temporary construction easement of 73,358 square feet and 34,508 square feet being a portion of land out of the James Righly Survey, Abstract No. 1268 and the Memphis, El Paso and Pacific Railroad Survey, Abstract No. 1111, City of Fort Worth, Tarrant County, Texas, otherwise located at the southeast corner of Blue Mound Road West and Hicks Avondale School Road and along the south side of Blue Mound Road West, approximately 160 feet west of Hulson Trail, 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.</p> | <p>\$91,987.00</p> |
| <p>Wellington Homeowner's Association (Parcels 22 PWME, 23 TCE)</p> | <p>A permanent water main easement of approximately 6,144 square feet and a temporary construction easement of approximately 2,452 square feet being Lot1X, Block 16, of Wellington Addition, an addition to the City of Fort Worth, Tarrant County, Texas, otherwise known as 1533 Stowers Trail, 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.</p> | <p>\$5,736.00</p> |
| <p>Priscilla "Patsy" Porter Speed, Jarvis H. Porter, Mary Sue Rabe and Joe Whitley Wilder, Sr. Trustee of the Joe Whitley Wilder, Sr. and Ann Porter Wilder Family Trust, as created under the Last Will and Testament of Ann Porter Wilder (Parcels 26</p> | <p>A permanent water main easement of approximately 60,044 square feet and a temporary construction easement of approximately 114,919 square feet being a portion of land out of the James Righly Survey Abstract No. 1268, City of Fort Worth, Tarrant County, Texas, otherwise known as 11996 Willow Springs Road, 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.</p> | <p>\$357,088.00</p> |

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| PWME, 27 TCE) | | |
| Houston Copart Salvage Auto Auctions Limited Partnership (Parcels 28 PWME, 29 TCE) | A permanent water main easement of approximately 2,662 square feet and a temporary construction easement of 27,358 square feet being a portion of land out of the James Righly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas, otherwise known as an unknown address 1000 & 1020 Blue Mound Road, further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim. | \$37,341.00 |
| RDS Opportunity Fund, LLC (Parcels 31 PWME, 32, TCE) | A permanent water main easement of approximately 17,909 square feet and a temporary construction easement of approximately 20,042 square feet being a portion of land out of the James Righly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County Texas, otherwise known as 880 Blue Mound Road and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim. | \$104,641.00 |
| Houston Copart Salvage Auto Auctions Limited Partnership (Parcel 34 TCE) | A temporary construction easement of approximately 2,848 square feet being a portion of land out of the James Righly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas, otherwise known as 841 Blue Mound Road and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim. | \$3,133.00 |
| Keith Sturgeon (Parcels 35 PWME, 36 TCE) | A permanent water main easement of approximately 3,575 square feet and a temporary construction easement of approximately 5,598 square feet being a portion of land out of the James Righly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas, otherwise known as 834 Blue Mound Road and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim. | \$11,074.00 |
| Jarvis Porter, Ann Porter Wilder, Mary Sue Porter Rabe, Mary S. Porter Rabe, and Priscilla Jane Porter Speed (Parcels 37 PWME, 38 TCE) | A permanent water main easement of approximately 10,513 square feet and a temporary construction easement of approximately 15,769 square feet and being a portion of land out of the James Righly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas, otherwise known as 820 Blue Mound Road W. and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim. | \$7,950.00 |
| | A permanent water main easement of | |

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|---|---|--------------------|
| <p>HPC Wellington North Development Corporation</p> <p>(Parcel 57 PWME)</p> | <p>approximately 3,961 square feet being a portion of land out of the James Rightly Survey, Abstract No. 1268 and the Memphis, El Paso and Pacific Railroad Survey, Abstract No. 1111, City of Fort Worth, Tarrant County, Texas, otherwise located at the northwest corner of Sebright Trail and Hulson Trail, further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.</p> | <p>\$683.00</p> |
| <p>Ron Sturgeon Real Estate, L.P.</p> <p>(Parcels 61 PWME, 62 TCE)</p> | <p>A permanent water main easement of approximately 1,800 square feet and a temporary construction easement of 2,696 square feet being a portion of land out of the James Rightly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas, otherwise known as 850 Blue Mound Road, further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.</p> | <p>\$10,391.00</p> |

To approve this 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 the use of the power of eminent domain to acquire 178,456 square feet in permanent water main easement rights and 299,548 square feet for temporary construction easement rights from real properties owned by:

- Knox Street Partners No. 13, LTD owners of property located at the southeast corner of Blue Mound Road West and Hicks Avondale School Road and along the south side of Blue Mound Road West, approximately 160 feet west of Hulson Trail, City of Fort Worth, Tarrant County, Texas, and situated in the James Rightly Survey, Abstract No. 1268 and the Memphis, El Paso and Pacific Railroad Survey, Abstract No. 1111, City of Fort Worth, Tarrant County, Texas; and
- Wellington Homeowner's Association, owners of the property located at 1533 Stowers Trail, City of Fort Worth, Tarrant County, Texas, being Lot 1X, Block 16, of the Wellington Addition, an addition to the City of Fort Worth, Tarrant County, Texas; and
- Priscilla "Patsy" Porter Speed, Jarvis H. Porter, Mary Sue Rabe and Joe Whitley Wilder, Sr. Trustee of the Joe Whitley Wilder, Sr. and Ann Porter Wilder Family Trust, as created under the Last Will and Testament of Ann Porter Wilder, owners of property located at 11996 Willow Springs Road, City of Fort Worth, Tarrant County, Texas, situated in the James Rightly Survey Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; and
- Houston Copart Salvage Auto Auctions Limited Partnership, owners of property located at 1000 & 1020 Blue Mound Road, City of Fort Worth, Tarrant County, Texas, and situated in the James Rightly Survey Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; and
- RDS Opportunity Fund, LLC, owners of the property located at 880 Blue Mound Road, City of Fort Worth, Tarrant County, Texas, and being situated in the James Rightly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; and
- Houston Copart Salvage Auto Auctions Limited Partnership, owners of property located at 841 Blue Mound Road, City of Fort Worth, Tarrant County, Texas, and situated in the James Rightly Survey Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; and
- Keith Sturgeon, owner of the property located at 834 Blue Mound Road, City of Fort Worth, Tarrant County, Texas, and being situated in the James Rightly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; and
- Jarvis Porter, Ann Porter Wilder, Mary Sue Porter Rabe, Mary S. Porter Rabe, and Priscilla Jane Porter Speed, owners of the property located at 820 Blue Mound Road W., City of Fort Worth, Tarrant County, Texas, and being situated in the James Rightly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; and
- HPC Wellington North Development Corporation, owner of the property located at the northwest corner of Sebright Trail and Hulson Trail, City of Fort Worth, Tarrant County, Texas, and being situated in the James Rightly Survey, Abstract No. 1268 and the Memphis, El Paso and Pacific Railroad Survey, Abstract No. 1111, City of Fort Worth, Tarrant County, Texas; and
- Ron Sturgeon Real Estate, L.P., owner of the property located at 850 Blue Mound Road, City of Fort Worth, Tarrant County, Texas, and being situated in the James Rightly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; and

The Northside III 54-inch Water Transmission Main, Phase 4 project will move potable water from the Eagle Mountain Water Treatment Plant to our retail customers in north Fort Worth as well as wholesale water customers that border our northern City limits. Timely completion of this project is necessary to improve our water system reliability and support continued growth. The Property interests 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 W&S Rev Bonds Series 2024 Fund for the Property Management and Water Departments for the purpose of funding the Northside III 54-inch Water Transmission Main, Phase 4 project.

The properties are located in COUNCIL DISTRICT 10.

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 Rev Bonds Series 2024 Fund for the NSIII54-inch WTM project to support the approval of the above recommendations and acquisition of easements. Prior to any expenditure being incurred, the Property Management and Water Departments 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: Michael Blasko 2570

Aron Rodriguez 2574