

Mayor and Council Communication

DATE: 12/01/20

M&C FILE NUMBER: M&C 20-0860

LOG NAME: 21PMD CPN 101017 P2 CONDEMN

SUBJECT

(CD 6) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.003 Acres in Permanent Right-of-Way Easement and 0.067 Acres for a Temporary Construction Easement from Improved Property Owned by Miranda, Inc., Located at the Corner of S. Hulen Street and Walraven Circle in the Wedgwood Addition, Block 57, Tract A, City of Fort Worth, Tarrant County, Texas, for the Hulen Street at Granbury Road Intersection Improvements Project (2018 Bond Program)

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.003 acres in right-of-way easement and 0.067 acres for a temporary construction easement from improved property owned by Miranda, Inc., located at the corner of S. Hulen Street and Walraven Circle in the Wedgwood Addition, Block 57, Tract A, City of Fort Worth, Tarrant County, Texas, were unsuccessful due to the inability to reach a mutually agreed upon value for the property interests being acquired by the City;
2. Declare the necessity to acquire the described property interests for the Hulen Street at Granbury Road Intersection Improvements Project;
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 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 land rights in the improved subject property are required to construct public roadway improvements that will add a right-turn lane on Hulen Street, south of the Granbury Road intersection. These new roadway and pedestrian improvements will be constructed for public use and funds for this project were included within the 2018 Capital Improvement Program. The land rights in the improved subject property are needed for a new travel lane, storm drainage improvements, sidewalks, and streetlights as necessary.

An independent appraisal established fair market value for the permanent right-of-way and temporary construction property interests in the total amount of \$9,976.00. Negotiations were unsuccessful due to the inability to reach a mutually agreed upon value for the property interests being acquired by the City.

Upon approval, a Special Commissioners' hearing will be brought to acquire the various property interests on the property.

Parcel No.	Legal Description	Acreage / Property Interest
2-ROW	Wedgwood Addition, Block 57, Tract A	0.003 Acres / Permanent Right-of-Way Easement
2-TCE	Wedgwood Addition, Block 57, Tract A	0.067 Acres / Temporary Construction Easement

This project is included in the 2018 Bond Program. Available resources within the General Fund will be used to provide interim financing until debt is issued. Once debt associated with the project is sold, bond proceeds will reimburse the General Fund in accordance with the statement expressing official Intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance No. 23209-05-2018) and subsequent actions taken by the Mayor and Council.

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 0.003 acres in right-of-way easement and 0.067 acres for a temporary construction easement from improved property owned by Miranda, Inc. The property is needed for the Hulen Street at Granbury Road Intersection Improvements Project, a public use that will add a right-turn lane on Hulen Street, south of the Granbury Road intersection. The land rights in the subject property are needed for a new travel lane, storm drainage improvements, sidewalks, and streetlights as necessary. The property is located at the corner of S. Hulen Street and Walraven Circle in the Wedgwood Addition, Block 57, Tract A, City of Fort Worth, 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.”

This property is located in COUNCIL DISTRICT 6.

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 upon approval of the above recommendation and award of commissioners, funds are available in the current capital budget, as previously appropriated, of the 2018 Bond Program, Hulen Street at Granbury Road Intersection Improvements Project No. 101017. The Property Management Department has the responsibility to validate the availability of funds prior to the expenditure of funds.

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