

Mayor and Council Communication

DATE: 10/27/20

M&C FILE NUMBER: M&C 20-0798

LOG NAME: 21C 100995 P7 CONDEMN -6801 OAK CREST DRIVE EAST

SUBJECT

(CD 5 and CD 8) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.092 Acres for a Permanent Sewer Easement and 0.367 Acres for a Temporary Construction Easement from Improved Property Owned by the Estate of Barbara J. Archer, Located South of the Intersection of South Loop 820 and Kennedale Parkway in a Portion of Lot 39, Block 1 of Oak Crest Addition, Tarrant County, Texas, for the Lake Arlington Force Main and Lift Station Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.092 acres for a permanent sewer easement and 0.367 acres for a temporary construction easement from improved property owned by the Estate of Barbara J. Archer, located west of the intersection of Oak Crest Drive East and Kennedale Parkway in a portion of Lot 39, Block 1 of Oak Crest Addition, Tarrant County, Texas, for the Lake Arlington Force Main and Lift Station Project, were unsuccessful due to the inability to obtain clear title.
2. Declare the necessity to acquire the described property interests for the Lake Arlington Force Main and Lift Station project (City Project No. 100995);
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 property rights in the improved subject property are required to construct public sewer improvements that will increase conveyance capacity necessary to handle projected growth within the Village Creek Wastewater Basin. The Fort Worth Wastewater Master Plan recommends the installation of a lift station and force main within the lower reaches of the Village Creek Basin. This new sewer improvement will be constructed for public use and funds for this project were included within the 2018 Water and Sewer Revenue Bond proceeds. The land rights in the improved subject property are needed for a new force main sewer line.

An independent appraisal established fair market value for the permanent sewer and temporary construction easement property interests in the total amount of \$2,340.00. Negotiations were unsuccessful due to the inability to obtain clear title.

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

Improved Subject Property

Parcel No.	Legal Description	Acreage / Property Interest
7-PSE	Lot 39 Blck 1 Oak Crest Addition	0.092 Acres / Permanent Sewer Easement
7-TCE	Lot 39 Blck 1 Oak Crest Addition	0.367 Acres / Temporary Construction Easement

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 0.092 acres for a permanent sewer easement and 0.367 acres for a temporary construction easement from improved property owned by the Estate of Barbara J. Archer. The property is needed for the Lake Arlington Lift Station and Force Main project, a public use that will construct public sewer improvements to increase conveyance capacity necessary to handle projected growth within the Village Creek Wastewater Basin. The property is located in the Oak Crest Addition, Block 39, Lot 1, in the David Strickland Survey and the Shelby County School Land Survey in the City of Kennedale, 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 between COUNCIL DISTRICT 5 and COUNCIL DISTRICT 8.

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 Proj 2018 Fund for the Lake Arlington, FM, LS and SS project to support the approval of the above recommendations and the purchase of the easements. Prior to any expenditure being incurred, the Water and Property Management Departments have the responsibility to validate the availability of funds.

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