

City of Fort Worth, Texas

Mayor and Council Communication

DATE: 01/13/26 M&C FILE NUMBER: M&C 26-0054

LOG NAME: 21CONDEMN CPN 105650 EMER SS M292 RPR BELKNAP RTFY

SUBJECT

(Near CD 11) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.133 Acres in Sanitary Sewer Easement and 0.204 Acres for a Temporary Construction Easement from Real Property Owned by DAD-USA Investment, Inc., Located at 5302 East Belknap Street, Haltom City, Tarrant County, Texas being Lot 1, Block 1, of the J.W. Akers Addition, an Addition to the City of Haltom City, Tarrant County, Texas, for the Little Fossil Creek at Belknap St. Emergency M-292 Project and Adopt Appropriation Ordinance to Effect a Portion of Water's Contribution to Fiscal Years 2026-2030 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.133 acres in sanitary sewer easement and 0.204 acres for a temporary construction easement interest from real property owned by DAD-USA Investment, Inc., located at 5302 East Belknap Street, Haltom City, Tarrant County, Texas Lot 1, Block 1, of the J.W. Akers Addition, an addition to the City of Haltom City, Tarrant County, Texas, for the Little Fossil Creek at Belknap St. Emergency M-292 project, 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 Little Fossil Creek at Belknap St. Emergency M-292 project (City Project No. 105650);
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 interest from the property owner;
5. Authorize a payment pursuant to an award of commissioners or a negotiated settlement;
6. Authorize the City Manager or his designee to accept and record the appropriate instruments; and
7. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Water & Sewer Capital Projects Fund in the amount of \$25,785.00, from available PayGo residuals, for the purpose of funding the Emergency Sanitary Sewer M-292 Repair at Belknap Ratification project (City Project No. 105650) to effect a portion of Water's Contribution to Fiscal Years 2026-2030 Capital Improvement Program

DISCUSSION:

The purpose of this Mayor and City Council Communication (M&C) is to recommend that the City Council authorize condemnation by eminent domain of land for the Emergency Sanitary Sewer Repair near 5301 Belknap Street project (City Project No. 105650), authorized by the City Council on August 27, 2024, M&C 24-0742.

The project will transport wastewater in the existing M-292 sanitary sewer collector main along Little Fossil Creek.

An independent appraisal established the property's fair market value of the Permanent Sewer near 5301 East Belknap Street and Temporary Construction Easement Acquisition in the total amount of \$25,785.00. Negotiations were unsuccessful due to the inability to negotiate agreeable terms for the property interest being acquired by the City.

Upon approval, a condemnation action will be brought and a Special Commissioner's hearing held to acquire the Permanent Sewer Easement and Temporary Construction Easement Interest on the property.

Improved Subject Property		
Parcel Nos.	Legal Description	Acreage / Property Interest
1 & 4	Lot 1-R, Block 1, J.W. Akers Addition, Haltom City, Tarrant County, Texas	0.133 Acres / Permanent Easement Interest
		0.204 Acres/ Temporary Easement Interest

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 0.133 acres in Permanent Water Easement and 0.204 acres for a temporary construction easement from real property owned by DAD-USA Investment, Inc. The property is needed for the Little Fossil Creek at Belknap St. Emergency M-292 Project, a public use that will enhance sewer service capability. The land rights

in the subject property are needed for sewer improvements as necessary. The property is located at 5302 East Belknap Street, being Lot 1, Block 1, of the J.W. Akers Addition, an addition to the City of Haltom City, 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.”

It is the practice of the Water Department to appropriate its CIP plan throughout the Fiscal Year, instead of within the annual budget ordinance, as projects commence, additional funding needs are identified, and to comply with bond covenants. The actions of this M&C will appropriate funds in support of the Water's portion of the City of Fort Worth's Fiscal Years 2026-2030 Capital Improvement Program.

Funding is available in the Unspecified All-Funds project within the Water & Sewer Capital Projects Fund for the purpose of funding the Emergency Sanitary Sewer M-292 Repair at Belknap Ratification project.

Appropriations for the Emergency Sanitary Sewer M-292 Repair at Belknap Ratification project, are as depicted below:

Fund	Existing Appropriations	Additional Appropriations	Project Total
W&S Capital Projects - Fund 56002	\$1,561,580.00	\$25,785.00	\$1,587,365.00
Total	\$1,561,580.00	\$25,785.00	\$1,587,365.00

This property is located near COUNCIL DISTRICT 11.

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 Unspecified All-Funds project within the W&S Capital Projects Fund, and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the Emer SS M292 Rpr Belknap Rtfy project to support 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: Matthew Wilbanks 2311