

Mayor and Council Communication

DATE: 11/14/23

M&C FILE NUMBER: M&C 23-0953

LOG NAME: 21CONDEMN 101012 P11 CROMWELL MARINE CREEK RD

SUBJECT

(CD 7) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 2.538 Acres in Right-of-Way-Easement and 2.3152 Acres in Permanent Drainage Easement and 0.3759 Acres for Temporary Construction Easements from Improved Property Owned by Hayco Realty, LTD., Located at 6100 Bowman Roberts Road in the Joseph Bowman Survey, Abstract 79, Tract 1 AG in the City of Fort Worth, Tarrant County, Texas for the Cromwell Marine Creek Road Widening Project (2018 & 2022 Bond Program)

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 2.538 acres in right-of-way-easement and 2.3152 acres in permanent drainage easement and 0.3759 acres for temporary construction easements from Improved property owned by Hayco Realty, LTD., Located at 6100 Bowman Roberts Road in the Joseph Boman Survey, Abstract 79, Tract 1 AG in the City of Fort Worth, Tarrant County, Texas, were unsuccessful due to the inability to reach a mutually agreed upon value for the property interest being acquired by the City;
2. Declare the necessity to acquire the described property interest for the Cromwell Marine Creek Road Widening Project (City Project No. 101012);
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; 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 the Cromwell Marine Creek Road Widening Project (City Project No. 101012) from Boat Club Road (FM 1220) to Marine Creek Parkway in connection with the City of Fort Worth's Master Thoroughfare Plan. This project consists of widening and reconstructing an existing two-lane asphalt roadway to a four-lane, divided, concrete urban arterial. The roadway improvements include improved drainage collection and drainage crossings designed for a 100-year storm, street illumination, ten-foot shared-use paths and traffic signal improvements along Cromwell Marine Creek Road.

An independent appraisal established fair market value for the permanent sewer and temporary construction property interests in the total amount of \$856,613.00. 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 righ-of-way-easement and permanent sewer easement and temporary construction easement on the property.

Improved Subject Property

Parcel No.	Legal Description	Acreage / Property Interest
11-ROWE	J. Bowman Survey, Abstract 79, Tract 1 AG	2.538 Acres / Right-of-Way Easement
11-DE3	J. Bowman Survey, Abstract 79, Tract 1 AG	0.204 Acres / Permanent Drainage Easement
11-DE4	J. Bowman Survey, Abstract 79, Tract 1 AG	0.857 Acres / Permanent Drainage Easement
11-DE5	J. Bowman Survey, Abstract 79, Tract 1 AG	0.2118 Acres / Permanent Drainage Easement
11-DE6	J. Bowman Survey, Abstract 79, Tract 1 AG	1.0424 Acres / Permanent Drainage Easement
11-TCE12	J. Bowman Survey, Abstract 79, Tract 1 AG	0.0998 Acres / Temporary Construction Easement
11-TCE13	J. Bowman Survey, Abstract 79, Tract 1 AG	0.2761 Acres / Temporary Construction Easement

Improved Subject Property

Parcel No.	Legal Description	Acreage / Property Interest
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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 2.538 acres in right-of-way-easement, 2.3152 acres in permanent drainage easement and 0.3759 acres for temporary construction easements from Improved property owned by Hayco Realty, LTD. Located at 6100 Bowman Roberts Road in the Joseph Bowman Survey, Abstract 79, Tract 1 AG in the City of Fort Worth, Tarrant County, Texas, to construct the Cromwell Marine Creek Road Widening Project (City Project No. 101012) from Boat Club Road (FM 1220) to Marine Creek Parkway in connection with the City of Fort Worth's Master Thoroughfare Plan. The land rights in the improved subject property are needed fo widen the road from Boat Club Rd to Marine Creek Pkwy. The property interest to be acquired is described by metes and bounds and depicted by survey exhibits attached to this Mayor and Council Communication."

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.

This project is also included in the 2022 Bond Program. The City's Extendable Commercial Paper Program (M&C 22-0607; Ordinance 25675-08-2022) provides liquidity to support the appropriation. Available resources will be used to make any interim progress payments until debt is issued. Once debt associated with a project is sold, debt proceeds will reimburse the interim financing source in accordance with the statement expressing official Intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance 25515-05-2022).

Funding is budgeted in the 2018 and 2022 Bond Program Funds for the purpose of funding the Cromwell Marine Creek Road Widening project, as appropriated.

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 available in the current capital budget, as previously appropriated, in the 2018 and 2022 Bond Program Funds for the Cromwell-Marine Creek project to support the approval of the above recommendations and acquisition of easements. Prior to any expenditure being incurred, the Property Management and Transportation and Public Works Departments have the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: Dana Burghdoff 8018

Originating Business Unit Head: Ricardo Salazar 8379

Additional Information Contact: Jeremy Van Rite 2574