

# Mayor and Council Communication

**DATE:** 01/23/24

**M&C FILE NUMBER:** M&C 24-0082

**LOG NAME:** 21CONDEMN 101014 P40, P42, P47 HALL-NANCE RANCHES

**SUBJECT**

(CD 10) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire for the Avondale Haslet Road Project (2018 Bond Program) 3.85 Acres in Right-of-Way Easements from Real Property Owned by Hall-Nances Ranches, LTD, Located at 400-640 Avondale Haslet Road in the Bramlett & Ryan Survey, Abstract 227 and M.E.P. & P. RR. CO. Survey, Abstract 1132, City of Haslet, Tarrant County, Texas; 0.437 Acres in Right-of-Way Easement from Real Property Owned by Daniel Lewis Nance, Located at 540 Avondale Haslet Road in the Bramlett & Ryan Survey, Abstract 227, City of Haslet, Tarrant County, Texas; and 3.364 Acres in Right-of-Way Easements from Real Property Owned by David E. Nance, Located at 900 Avondale Haslet Road in the Bramlett & Ryan Survey, Abstract 227, City of Haslet, Tarrant County, Texas (2022 Bond Program)

**RECOMMENDATION:**

It is recommended that the City Council:

1. Declare that negotiations between the City of Fort Worth and the property owner, Hall-Nance Ranches, LTD, to acquire 3.85 acres in right-of-way easements from real property located at 400-640 Avondale Haslet Road in the Bramlett & Ryan Survey, Abstract 227 and M.E.P. & P. RR. CO. Survey, Abstract 1132, City of Haslet, Tarrant County, Texas, were unsuccessful due to the inability to negotiate agreeable terms for the property interests being acquired by the City;
2. Declare that negotiations between the City of Fort Worth and the property owner, Daniel Lewis Nance, to acquire 0.437 acres in right-of-way easement from real property located at 540 Avondale Haslet Road in the Bramlett & Ryan Survey, Abstract 227, City of Haslet, Tarrant County, Texas, were unsuccessful due to the inability to negotiate agreeable terms for the property interest being acquired by the City;
3. Declare that negotiations between the City of Fort Worth and the property owner, David E. Nance, to acquire 3.364 acres in right-of-way easement from real property located at 900 Avondale Haslet Road in the Bramlett & Ryan Survey, Abstract 227 and M.E.P. & P. RR. CO. Survey, Abstract 1132, City of Haslet, Tarrant County, Texas, were unsuccessful due to the inability to negotiate agreeable terms for the property interest being acquired by the City;
4. Declare the necessity to acquire the described property interests and the first record vote applies to all units of the properties to be condemned for the for the Avondale Haslet Road project (City Project No. 101014);
5. Adopt the attached resolution authorizing the City to use its power of eminent domain to acquire the properties for public use and the minutes of this Fort Worth City Council meeting reflect that the first vote applies to all of those units described herein;
6. Authorize the City Attorney to institute condemnation by eminent domain proceedings to acquire the described property interests from the property owners;
7. Authorize a payment pursuant to an award of commissioners or a negotiated settlement; and
8. Authorize the City Manager or his designee to accept and record the appropriate instruments.

**DISCUSSION:**

The land rights in the subject properties are needed for the reconstruction and widening of Avondale Haslet Road from Willow Creek Drive to the eastern city limits of the City of Haslet at John Day Road (City Project No.101014). This project consists of widening and reconstructing approximately 2.4 miles of the 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 at three intersections along Avondale Haslet Road.

An independent appraisal established fair market value for the property interests (shown below) in the total amount of \$931,823.00 for all units of the properties to be condemned. Negotiations were unsuccessful due to the inability to negotiate agreeable terms for the property interests being acquired by the City.

Upon approval, a condemnation action will be brought and a Special Commissioners' hearing held to acquire the right-of-way easement interests on the properties.

| Owner                   | Parcel No. | Legal Description   | Acreage / Property Interest         | Appraised Value |
|-------------------------|------------|---|-------------------------------------|-----------------|
| Hall-Nance Ranches, LTD | 40 Part 1  | Bramlett & Ryan Survey, Abstract 227, City of Haslet, Tarrant County      | 3.618 Acres / Right-of-Way Easement | \$433,016.00    |
| Hall-Nance Ranches, LTD | 40 Part 2  | M.E.P. & P. RR. CO. Survey, Abstract 1132, City of Haslet, Tarrant County | 0.232 Acres / Right-of-Way Easement |                 |
| Daniel Lewis Nance      | 42         | Bramlett & Ryan Survey, Abstract 227, City of Haslet, Tarrant County      | 0.437 Acres / Right-of-Way Easement | \$195,348.00    |

|                |    |  |                                     |              |
|----------------|----|--|-------------------------------------|--------------|
| David E. Nance | 47 | Bramlett & Ryan Survey, Abstract 227, City of Haslet, Tarrant County | 3.364 Acres / Right-of-Way Easement | \$303,459.00 |
|----------------|----|--|-------------------------------------|--------------|

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 3.85 acres in right-of-way easements from real property owned by Hall-Nance Ranches, LTD, located at 400-640 Avondale Haslet Road; 0.437 acres in right-of-way easement from real property owned by Daniel Lewis Nance, located at 540 Avondale Haslet Road; and 3.364 acres in right-of-way easement from real property owned by David E. Nance, located at 900 Avondale Haslet Road. The subject properties are situated in the Bramlett & Ryan Survey, Abstract 227 and M.E.P. & P. RR. CO. Survey, Abstract 1132, City of Haslet, Tarrant County, Texas. The first record vote applies to all units of the properties to be condemned for the Avondale Haslet Road project, a public use that will reconstruct and widen Avondale Haslet Road from Willow Creek Drive to the eastern city limits of the City of Haslet at John Day Road. The land rights in the properties will be used for widening and reconstructing the existing two-lane asphalt roadway to a four-lane, divided, concrete urban arterial. The property interests to be condemned are described by metes and bounds and depicted by survey exhibits attached to this Mayor and Council Communication and the minutes of this Fort Worth City Council meeting reflect that the first vote applies to all of those units described herein."

Funding is budgeted in the TPW Dept Highway & Streets Department's 2018 Bond Program Fund for the purpose of funding the Avondale Haslet Road project, as appropriated.

This property is 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 2018 Bond Program Fund for the Avondale Haslet Road project to support approval of the above recommendations and acquisition of the described property interests. 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

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