

Mayor and Council Communication

DATE: 03/23/21

M&C FILE NUMBER: M&C 21-0212

LOG NAME: 21CONDEMNATION-3801 & 3825 S CRAVENS-WILLIAMS

SUBJECT

(CD 5) Adopt Attached Resolution Authorizing Condemnation by Eminent Domain to Acquire Permanent Sewer Facility Easements in Approximately 0.261 Acres and Temporary Construction Easements in Approximately 1.043 Acres from Improved Property Owned by Demetrica V. Williams Family Trust, Located at 3801 and 3825 South Cravens Road, Situated in Lot 5 and Lot 4A, Block 4 of the Handley Heights South Addition, City of Fort Worth, Tarrant County, Texas, for the Lake Arlington Lift Station and Force Main Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.261 acres in permanent sewer easements and 1.043 acres for temporary construction easements from improved property owned by Demetrica V. Williams Family Trust at 3801 and 3825 South Cravens Road situated in Lot 5 and Lot 4A, Block 4 of the Handley Heights South Addition of Tarrant County, City of Fort Worth, Texas located east of the intersection of East Loop 820 South and Berry Street, 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 Lake Arlington Force Main and Lift Station 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 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 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 Water & Sewer Capital Project 2018 Fund (W&S Capital Proj 2018) 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 property interests in the total amount of \$28,055.00. 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 permanent sewer easement and temporary construction easement on the property.

Improved Subject Property

Parcel No.	Legal Description	Acreage / Property Interest
44-PSE	Being a portion of Lot 5, Block 4 of Handley Heights South Addition	0.129 Acres / Permanent Sewer Easement
45-PSE	Being a portion of Lot 5, Block 4 of Handley Heights South Addition	0.132 Acres / Permanent Sewer Easement
44-TCE	Being a portion of Lot 4A, Block 4 of Handley Heights South Addition	0.515 Acres / Temporary Construction Easement
44-PSE	Being a portion of Lot 4A, Block 4 of Handley Heights South Addition	0.528 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 0.261 acres in permanent sewer easements and 1.043 acres for temporary construction easements from improved property owned by Demetrica V. Williams Family Trust. The property is needed for the Lake Arlington Lift Station and Force Main project, a public use that will construct public sewer improvements increasing conveyance capacity necessary to handle projected growth within the Village Creek Wastewater Basin. The property is located east of the intersection of East Loop 820 South and Berry Street, at 3801 and 3825 South Cravens Road, in Lot 5 and Lot 4A, Block 4 Handley Heights Addition, in the City of Fort Worth, 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."

This property is located in COUNCIL DISTRICT 5.

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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