

Mayor and Council Communication

DATE: 06/13/23

M&C FILE NUMBER: M&C 23-0476

LOG NAME: 21CONDEMN 102217 P4A, 4B, & 5 NORTH FORT WORTH BAPTIST CHURCH

SUBJECT

(CD 2) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.0521 Acres in Right-Of-Way and 0.0890 Acres in Public Open Space Easement from Real Property Owned by North Fort Worth Baptist Church, Located at 5801 North Freeway in the North Fort Worth Baptist Church Addition, Block 1, Lots 1A, City of Fort Worth, Tarrant County, Texas, for the Cantrell Sansom Road Widening Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City of Fort Worth and the property owner to acquire 0.0521 acres in Right-of-Way and drainage easement and 0.0890 acres in public open space easement from real property owned by North Fort Worth Baptist Church, located at 5801 North Freeway in the North Fort Worth Baptist Church Addition, Block 1, Lots 1A, City of Fort Worth, Tarrant County, Texas, were unsuccessful due to the inability to negotiate agreeable terms for the property interest being acquired by the City;
2. Declare the necessity to acquire the described property interest for the Cantrell Sansom Road Widening 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 land rights in the subject property are needed for the Cantrell Sansom Road widening project. Cantrell Sansom Road from Mark IV Parkway to Interstate Highway (IH)-35W southbound frontage road is approximately 2,200 linear feet in length and identified in the City's Master Thoroughfare Plan (MTP) as a four-lane divided neighborhood connector. The property will be used for the construction of Cantrell Sansom Road at the intersection with Old Decatur Road as well as the connection to the IH-35W southbound frontage road. The Public Open Space Easement will provide traffic visibility for the new road connection.

An independent appraisal established fair market value for the right-of-way and public open space easement property interests in the total amount of \$158,782.00. Negotiations were unsuccessful due to the inability to negotiate agreeable terms for the property interest being acquired by the City.

Upon approval, a Special Commissioners' hearing will be brought to acquire the permanent drainage and sewer easements on the property.

Improved Subject Property

Parcel No.	Legal Description	Acreage / Property Interest
4A-ROW	5801 North Freeway, Lot 1A, Block 1 North Fort Worth Baptist Church Add	0.0475 Acres / Right-Of-Way
4B-ROW	5801 North Freeway, Lot 1A, Block 1 North Fort Worth Baptist Church Add	0.0046 Acres / Right-Of-Way
5-POSE	5801 North Freeway, Lot 1A, Block 1 North Fort Worth Baptist Church Add	0.0890 Acres / Public Open Space 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 0.0521 acres in right-of-way and 0.0890 acres in public open space easement from real property owned by North Fort Worth Baptist Church. The land rights in the subject property are needed for the Cantrell Samson Road Widening project, a public use that will widen and connect the roadway. The property will be used for the permanent grading, construction, maintenance and repair of Cantrell Samson Road. The Public Open Space Easement will provide

traffic visibility for the new road connection. The property is located at 5801 North Freeway in the North Fort Worth Baptist Church Addition, Block 1, Lots 1A, 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."

Funding is budgeted in the Transportation Impact Fee Capital Fund for the purpose of funding the Cantrell Sansom Road Widening project, as appropriated.

This project is located in COUNCIL DISTRICT 2 / Future COUNCIL DISTRICT ?.

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 Transportation Impact Fee Capital Fund for the Cantrell Sansom Rd Widening project to support the approval of the above recommendations and acquisition of easements. Prior to any expenditure being incurred, the Transportation & Public Works Department has the responsibility to validate the availability of funds.

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

Originating Business Unit Head: Steve Cooke 5134

Additional Information Contact: