City of Fort Worth, Texas

Mayor and Council Communication

DATE: 03/26/24 **M&C FILE NUMBER:** M&C 24-0250

LOG NAME: 21CONDEMN 102789 P21 SS CONTRACT 118 WOODROW

SUBJECT

(CD 11) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.0172 Acres in Permanent Sewer Easement from Real Property Owned by Thomas W. Woodrow, (Deceased), Located at 3505 5th Avenue, Fort Worth, Tarrant County, Texas, for the Sanitary Sewer Rehabilitation Contract 118 Project

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RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City of Fort Worth and the property owner to acquire 0.0172 acres in permanent sanitary sewer facility easement from real property owned by Thomas W. Woodrow, (Deceased), located at 3505 5th Avenue, in the Silver Lake Addition, Block 20, Lot E, Tarrant County, Texas, were unsuccessful due to the inability to establish ownership;
2. Declare the necessity to acquire the described property interest for the Sanitary Sewer Rehabilitation Contract 118 project (City Project No. 102789);
3. Adopt the attached resolution authorizing the City of Fort Worth 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 subject property are needed for the construction, operation, maintenance, replacement, upgrade and repair of the permanent sewer line facility on the Sanitary Sewer Rehabilitation Contract 118 project as necessary. This rehabilitation project will be for public use to repair damaged sewer lines, allow better flow within the sewer pipes and help prevent sewer backups on L-1457.

An independent appraisal established fair market value for the property interest (shown below) in the total amount of $4,500.00. Negotiations were unsuccessful due to the inability to obtain clear title for the property interest needed for the project.

Upon approval, a condemnation action will be brought and a Special Commissioners' hearing held to acquire the permanent sewer easement interest on the property.

Improved Subject Property

Parcel No.	Legal Description	Acreage / Property Interest
21	Silver Lake Addition, Block 20, Lot E, City of Fort Worth, Tarrant County	0.0172 Acres / Permanent Sewer Facility Easement

Funding is budgeted in the Wastewater Department's W&S Capital Projects Fund for the purpose of funding the SS Rehab. Contract 118 project, as appropriated.

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 0.0172 acres in permanent sewer easement from real property owned by Thomas W. Woodrow, (Deceased). The property interest is needed for the Sanitary Sewer Rehabilitation Contract 118 project, a public use proposed future easement that will repair damaged sewer lines, allow better flow within the sewer pipes and help prevent sewer backups be on L-1457. The property rights in the subject property are needed for the construction, operation, maintenance, replacement, upgrade and repair of the permanent sewer line facility as needed. The property is located at 3505 5th Avenue, in the Silver Lake Addition, Block 20, Lot E, 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 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 available in the current capital budget, as previously appropriated, in the W&S Capital Projects

Fund for the SS Rehab. Contract 118 project to support the approval of the above recommendations and acquisition of the easement. 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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