

Mayor and Council Communication

M&C FILE NUMBER: M&C 25-1101

SUBJECT

RECOMMENDATION:

1. Declare that negotiations between the City and the property owners have been unsuccessful due to the inability to negotiate agreeable terms to acquire the necessary property interests for the following: 49,941 square feet and 22,817 square feet of permanent water main easement rights and 34,836 square feet, 3,145 square feet, and 10,915 square feet of temporary construction easement rights owned by John M. Bonds, located at 2701 Peden Road and 2600 W. Bonds Ranch Road, Tarrant County, Texas, and being Tract 3, Tract 3B, and 3F out of the MEP & PRR CO Survey, Abstract No. 1110 and Tract 2D, out of the George A. Criner Survey, Abstract 296, Tarrant County, Texas; 145,168 square feet and 72,372 square feet of permanent water main easement rights and 58,054 square feet and 58,003 square feet of temporary construction easement rights owned by Pete and Jo Bonds Family Partnership, LTD, located at 3401 Peden Road and 2701 Peden Road, Tarrant County, Texas, and being Tract 1, Tract 3B1 and Tract 3F1, out of the out of the MEP & PRR CO Survey, Abstract No. 1110, Section 19 and Tract 2D, out of the George A. Criner Survey, Abstract No. 296, Tarrant County, Texas; 17,824 square feet of permanent water main easement rights and 12,896 square feet of temporary construction easement rights owned by Steven M. Tidwell and Gwenyth Tidwell, located at 12259 Business Highway 287 North, and being Tract 1C out of the WM Durham Survey, Abstract No. 1787, City of Fort Worth, Tarrant County, Texas; 3,219 square feet of temporary construction easement rights owned by Jen Texas 31, LLC, located at 12985 NW Highway 287, Tarrant County, Texas, being 4 and 4A out of the MEP & RR CO Survey, Abstract No. 1131, City of Fort Worth, Tarrant County, Texas, for the Northside IV 24-Inch Water Transmission Main, Phase 1C project (City Project No. 105114);
2. Adopt the attached resolution authorizing the City of Fort Worth to use its power of eminent domain to acquire the necessary property interests for public use;
3. Authorize the City Attorney to institute condemnation by eminent domain proceedings to acquire the described property interests from the property owners;
4. Authorize payments pursuant to an award of commissioners or negotiated settlements; and
5. Authorize the City Manager or his designee to accept and record the appropriate documents.

PARCEL NO.	AMOUNT
Parcels 01A, 01B, 01C, 03A & 03B	\$220,832.00
Parcels 02A, 02B, 04A & 04B	\$204,920.00
Parcels 7A, 7B, 7C & 7D	\$127,492.00
Parcel 8	\$8,140.00
TOTAL	\$561,384.00

Upon approval, a condemnation action will be brought forward and a Special Commissioners' hearing held to acquire the necessary property interests (shown below).

OWNER	PROPERTY INTEREST/LEGAL DESCRIPTION/PROPERTY ADDRESS
John M. Bonds (Parcels 01A, 01B, 01C, 03A, 03B)	A permanent water facility easement of approximately 49,941 square feet and 22,817 square feet, temporary construction easements of approximately 34,836 square feet, 3,145 square feet and 10,915 square feet, being a portion of Tract 3, Tract 3B, and Tract 3F, MEP & PRR CO Survey, Abstract No. 1110 and Tract 2D, out of the George A Criner Survey, Abstract No. 296, Tarrant County, Texas, otherwise known as 2701 Peden Road and 2600 W. Bonds Ranch Road,, Tarrant County Texas and further described in Exhibits attached hereto.
Pete and Jo Bonds Family Partnership, LTD (Parcels 02A, 02B, 04A, 04B)	A permanent water facility easement of approximately 145,168 square feet and 72,372 square feet, a temporary construction easement of approximately 58,054 square feet and 58,003 square feet being a portion of Tract 1, Tract 3B1, Tract 3F1, and Tract 3G, out of the MEP & PRR CO Survey, Abstract No. 1110, Section 19, Tarrant County, Texas, and Tract 2D, George A Criner Survey, Abstract 296, Tarrant County, Texas, otherwise known as 3401 Peden Road and 2701 Peden Road, further described in Exhibits attached hereto.
Steven M. Tidwell and Gwyneth Tidwell (Parcels 7A, 7B, 7C, 7D)	A permanent water facility easement of approximately 17,824 square feet and a temporary construction easement of approximately 12,896 square feet being a portion of Tract 1C, WM Durham Survey, Abstract No. 1787, City of Fort Worth, Tarrant County Texas otherwise known as 12259 Business Highway 287 North and further described in Exhibits attached hereto.
Jen Texas 31, LLC	A temporary construction easement of approximately 3,219 square feet being a portion of Tract 4 & 4A, out of the MEP & RR CO Survey #17, Abstract No. 1131, City of Fort Worth, Tarrant County, Texas, otherwise known as 12985 NW Highway 287 and further described in Exhibits attached hereto.

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 the use of the power of eminent domain to acquire the following:

49,941 square feet and 22,817 square feet of permanent water main easement rights and 34,836 square feet, 3,145 square feet, and 10,915 square feet of temporary construction easement rights from real property owned by John M. Bonds, owner of real property located at 2701 Peden Road and 2600 Bonds Ranch Road, situated in the M.E.P. & P.R.R. Co. Survey, Abstract No. 1110, and Tracts 3B1, 3F1, 3G, and 2D, George A. Criner Survey, Abstract No. 296;

145,168 square feet and 72,372 square feet of permanent water main easement rights and 58,054 square feet and 58,003 square feet of temporary construction easement rights owned by Pete and Jo Bonds Family Partnership, Ltd., owner of property located at 2701 and 3401 Peden Road, situated in the M.E.P. & P.R.R. Co. Survey, Abstract No. 1110, and the George A. Criner Survey, Abstract No. 296, and being part of Tract 3;

17,824 square feet of permanent water main easement rights and 12,896 square feet of temporary construction easement rights owned by Steven M. Tidwell and Gwyneth Tidwell, owners of property located at 12259 Business Highway 287 North, situated in the W.M. Durham Survey, Abstract No. 1787, and being part of Tract 1C; and

3,219 square feet of temporary construction easement rights owned by Jen Texas 31, LLC, owner of property located at 12985 NW Highway 287, situated in the M.E.P. & R.R. Co. Survey, Abstract No. 1131, 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."

The Property is necessary for the Northside IV 24-inch Water Transmission Main project, a public project which will enhance system capability, improve reliability, and support continued growth and water demand in North Fort Worth. The first record vote applies to all units of property to be condemned and the minutes shall reflect that the first vote applies to all units.

Funding is budgeted in the W&S Rev Bond Series 2024 Fund for the Northside IV 24-inch Water Transmission Main, Phase 1C project.

This property is located Near 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 W&S Rev Bonds Series 2024 Fund for the NS IV 24 WTM P1C project to support the approval of the above recommendations and acquisition of easements. Prior to any expenditure being incurred, the Property Management and Water Departments have the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: Valerie Washington 6199

Originating Business Unit Head: Marilyn Marvin 7708

Additional Information Contact: Stuart E. Young 8379
 Matthew S. Wilbanks 2311

Expedited