

# Mayor and Council Communication

**DATE:** 04/08/25

**M&C FILE NUMBER:** M&C 25-0308

**LOG NAME:** 21CONDEMN 104153 P03 BOAZ HOLDINGS, LP

**SUBJECT**

(CD 7) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.426 Acres in Right-of-Way Easement from Real Property Owned by Boaz Holdings, LP, Whose General Partner is Boaz GP, LLC, Located at 6250 West Bailey Boswell Road, Robert Whitley Survey Abstract 1672 Tract 1E, Tarrant County, Texas, for the West Bailey Boswell Road Street and Transportation Improvement Project (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 to acquire 0.426 acres in right-of-way easement from real property owned by Boaz Holdings, LP, whose general partner is Boaz GP, LLC, located at 6250 West Bailey Boswell Road, Robert Whitley Survey Abstract 1672 Tract 1E, 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 West Bailey Boswell Road Street and Transportation Improvement project (City Project No. 104153);
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 land rights in the Property are needed for the construction, operation, maintenance, replacement, upgrade and repair to widen existing undivided roadway to a divided four-lane roadway with dedicated turn lanes on the West Bailey Boswell Road Street and Transportation Improvement project as necessary. This improvement project will be for public use to support vehicle safety and mobility, reduce vehicle delays and improve turning movements via dedicated turn lanes.

An independent appraisal established fair market value for the property interest (shown below) in the total amount of \$159,600.00. Negotiations were unsuccessful due to the inability to negotiate agreeable terms for the property interest being acquired by the City.

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**

<b>Parcel No.</b>	<b>Legal Description</b>	<b>Acreage / Property Interest</b>
3	Robert Whitley Survey Abstract 1672 Tract 1E	0.426 Acres / Right-of-Way Easement

Funding is budgeted in the 2022 Bond Program Fund for the Transportation & Public Works Department for the purpose of funding the West Bailey Boswell Road Street and Transportation Improvement project, as appropriated.

This project is included in the 2022 Bond Program. The City's Extendable Commercial Paper (ECP) (M&C 22-0607; Ordinance 25675-08-2022) provides liquidity to support the appropriation. Available resources will be used to actually make any interim progress payments until debt is issued. Once debt associated with a project is sold, debt proceeds will reimburse the interim financing source in accordance with the statement expressing official Intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance 25515-05-2022).

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 0.426 acres in right-of-way easement from real property owned by Boaz Holdings, LP, whose General Partner is Boaz GP, LLC. The property interest is needed for a public use, the West Bailey Boswell Road Street and Transportation Improvement project, for an easement to widen existing undivided roadway to divided four-lane roadway with dedicated turn lanes to support vehicle safety. The property rights in the subject property are needed for the construction, operation, maintenance, replacement, upgrade of a divided four-lane roadway with dedicated turn lanes as needed. The property is located at 6250 West Bailey Boswell Road in the ROBERT WHITLEY SURVEY Abstract 1672 Tract 1E, 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 7.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the 2022 Bond Program Fund for the Bailey Boswell West project to support the approval of the above recommendations and acquisition of the easement. Prior to any expenditure being incurred, the Transportation and Public Works and Property Management Departments have the responsibility to validate the availability of funds.

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

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