

City of Fort Worth, Texas

Mayor and Council Communication

DATE: 01/23/24 M&C FILE NUMBER: M&C 24-0004

LOG NAME: 06TRINITYLAKESENCROACHMENT

SUBJECT

(CD 5) Authorize Execution of an Encroachment Agreement with Trinity Lakes Partners LLC for Large Retaining Walls Within a City of Fort Worth Drainage Easement

RECOMMENDATION:

It is recommended that the City Council authorize the execution of an Encroachment Agreement with Trinity Lakes Partners LLC for retaining walls encroaching into a City of Fort Worth Drainage Easement.

DISCUSSION:

Trinity Lakes Partners LLC (Developer) is preparing to build a new development on the eastern side of Fort Worth, Texas called “Trinity Lakes-Mixed Use South Phase 1B” (Project). As a part of the Project, the Developer has requested that the City agree to an encroachment agreement to allow the Developer to install limestone retaining walls (Encroachment) within a City of Fort Worth stormwater drainage easement (City Easement) to accommodate the needs of the Developer and to ensure effective drainage for the Project.

The Encroachment, although encroaching on the City Easement, will serve as a solution for the required retention and dispersion of stormwater runoff for the Project.

If approved by City Council, Development Services staff and Transportation and Public Works are amenable to the execution of a Tier III Major Encroachment Agreement (Agreement) for the construction of the Encroachment. However, staff requires that the proposed Encroachment, as shown on the plan approved by the City, be constructed to specific standards and be adequately maintained by the Developer and its successors and assigns for the duration of the Agreement.

Due to the fact that the Encroachment is acting as a required stormwater management facility, the term of the Agreement will be for the period in which the Encroachment exists and is properly maintained on the City Easement unlike the City’s standard thirty (30) year term on most other encroachment agreements approved by City. Additionally, the obligation to maintain the Encroachment will run with the Developer’s Property on which the Encroachment and City Easement are located.

Per section 3210.3.3 of Ordinance No. 24514-11-2020, Tier III Major Encroachments require City Council approval due to their size, complexity, or construction method, or due to their substantial impact on public property, or that utilize a significant portion of the public property, easement, or right-of-way and are not included in a separate agreement with the City. The application fee for the Agreement will be \$900.00.

The property is located in Council District 5.

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 approval of the above recommendation will have no material effect on City funds.

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