

Mayor and Council Communication

DATE: 10/25/22

M&C FILE NUMBER: M&C 22-0874

LOG NAME: 21CONDEMN 103414 P9-P15 DRY RANCH LLC

SUBJECT

(CD 3) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 3.405 Acres in Permanent Sewer Facility Easements and 7.492 Acres for Temporary Construction Easements from Real Property Owned by Dry Ranch, LLC, Located at 10820 to 11500 Aledo Road in the S.A. & M.G. R.R. Co. Survey, Abstract No. 1479 and George W. Wilks Survey, Abstract No. 1872, City of Fort Worth, Tarrant County, Texas, for the Walnut Creek Sanitary Sewer Inceptor Extension Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 3.405 acres in permanent sewer facility easements and 7.492 acres for temporary construction easements from real property owned by Dry Ranch, LLC, located at 10820 to 11500 Aledo Road in the, S.A. & M.G. R.R. Co. Survey, Abstract No. 1479 and George W. Wilks Survey, Abstract No. 1872, 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 interests for the Walnut Creek Sanitary Sewer Interceptor Extension project (City Project No. 103414);
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 interests 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 the conveyance and record the appropriate instruments.

DISCUSSION:

The land rights in the subject property are needed for the construction of the sanitary sewer main located south of the Walnut Creek Sanitary Sewer Extension from the Aledo Road/Ranch-to-Market (RM) 2871 intersection, westerly to the east boundary of the Walsh Ranch property located at 11970 Aledo Road. The proposed extension will be constructed for public use and will provide sanitary sewer service for future development to the north and south of Aledo Road, west of RM 2871. The easement interests are needed for the construction, operation, maintenance, replacement, upgrade, and repair of the permanent sewer line facility as necessary.

An independent appraisal established fair market value for the various property interests (shown below) in the total amount of \$285,293.00. Negotiations were unsuccessful due to the inability to negotiate agreeable terms for the property interest being acquired by the City of Fort Worth.

Upon approval, a Special Commissioners' hearing will be brought to acquire the various property interests on the property.

Parcel No.	Legal Description	Acreage / Property Interest
9	S.A. & M.G. R.R. Co. Survey, A-1479, Tract 2B	0.480 Acres / Temporary Construction Easement
10	S.A. & M.G. R.R. Co. Survey, A-1479, Tract 2B	0.104 Acres / Temporary Construction Easement
11	S.A. & M.G. R.R. Co. Survey, A-1479, Tract 2B	0.305 Acres / Permanent Sewer Facility Easement
12	S.A. & M.G. R.R. Co. Survey, A-1479, Tract 2	0.096 Acres / Temporary Construction Easement
13	S.A. & M.G. R.R. Co. Survey, A-1479, Tract 2; George W. Wilks Survey, A-1872, Tract 1	3.100 Acres / Permanent Sewer Facility Easement

Parcel No.	Legal Description	Acreage / Property Interest
14	S.A. & M.G. R.R. Co. Survey, A-1479, Tract 2	3.295 Acres / Temporary Construction Easement
15	S.A. & M.G. R.R. Co. Survey, A-1479, Tract 2; George W. Wilks Survey, A-1872, Tract 1	3.517 Acres / Temporary Construction 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 3.405 acres in permanent sewer facility easements and 7.492 acres for temporary construction

easements from real property owned by Dry Ranch, LLC. The property is needed for the Walnut Creek Sanitary Sewer Interceptor Extension project, a public use that will provide sanitary sewer service for future development to the north and south of Aledo Road, west of RM 2871. The land rights in the subject property are needed for the construction, operation, maintenance, replacement, upgrade, and repair of the permanent sewer line facility as necessary. The properties are located at 10820 to 11500 Aledo Road in the S.A. & M.G. R.R. Co. Survey, Abstract No. 1479 and George W. Wilks Survey, Abstract No. 1872, City of Fort Worth, Tarrant County, Texas. The property interests to be acquired are described by metes and bounds and depicted by survey exhibits attached to this Mayor and Council Communication."

Funding is budgeted in the W&S Rev Bond Series 2022 Fund for the purpose of funding the Walnut Creek Sanitary Sewer Interceptor Extension project, as appropriated.

This property is located in COUNCIL DISTRICT 3.

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 2022 Fund for the Walnut Creek SS Extension project to support the approval of the above recommendations and acquisition of easements. Prior to any expenditure being incurred, the Water and Property Management Departments have 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

Ricardo Salazar II 8379

Additional Information Contact: Niels Brown 5166

Dickson Robin 2554