

# Mayor and Council Communication

**DATE:** 09/12/23

**M&C FILE NUMBER:** M&C 23-0766

**LOG NAME:** 21CONDEMN 101240 BLK 9 PLATTING P22 SLR PROPERTIES

**SUBJECT**

(CD 7) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.011 Acres in a Public Access Easement from Real Property Owned by SLR Properties, Located at 4221 Lakewood Drive in the Hodgkins Highland Addition, Part of Lot 22B as Deeded, Tarrant County, Texas, for Public Access for the Properties Located in Block 9 of the Lake Worth Lease Survey in the City of Fort Worth

**RECOMMENDATION:**

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.011 acres in a public access easement from real property owned by SLR Properties, located at 4221 Lakewood Drive in the Hodgkins Highland Addition, part of Lot 22B, 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 to provide sufficient vehicular access for the properties located in Block 9 of the Lake Worth Lease Survey in the City of Fort Worth and to allow for the completion of the plat of Block 9 of the Lake Worth Lease Survey in accordance with the City of Fort Worth's Subdivision Ordinance (City Project No. 101240);
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 to provide sufficient vehicular access for the properties located in Block 9 of the Lake Worth Lease Survey in the City of Fort Worth and to allow for the completion of the plat of Block 9 of the Lake Worth Lease Survey in accordance with the City of Fort Worth's Subdivision Ordinance. Completing the plat for Block 9 will also allow the City to sell the properties within the block to the persons leasing the properties in accordance with Section 272.001(h) of the Local Government Code and as authorized by the City Council on November 8, 2016 (Mayor and Council Communication L-15964)

An independent appraisal established a fair market value for the property interest in the total amount of \$3,020.00. 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 property interest (shown below) on the property.

**Improved Subject Property**

<b>Parcel No.</b>	<b>Legal Description</b>	<b>Acreage / Property Interest</b>
2	Part of Lot 22B (40 ft off the SE End of Lot 22A as deeded, Hodgkins Highland Addition to Lake Worth	0.011 Acres / Public Access 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 the use of the power of eminent domain to acquire the 0.011 acres in a permanent public access easement from real property owned by SLR Properties. The property interests are needed for the Fort Worth Block 9 Platting Project, a public use that will provide sufficient vehicular access for the public and emergency responders for the properties located in Block 9 of the Lake Worth Lease Survey in the City of Fort Worth. The land rights in the subject properties are needed for the construction, operation, maintenance, replacement, upgrade, and repair of a public access easement. The property is located at 4221 Lakewood Drive, Lake Worth, Tarrant County, Texas, being a part of Lot 22B in Hodgkins Highlands, an addition to the City of Lake 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 Water Department's Lake Worth Gas Lease Capital Legacy Fund for the purpose of funding the Lake Worth Platting project, as appropriated, as depicted below:

Fund	Existing Appropriations	Project Total*
Lake Worth Gas Lease Capital Legacy Fund for Lake Worth Platting Project City Project No. 101240	\$352,428.00	\$352,428.00
Project Total	\$352,428.00	\$352,428.00

\*Numbers rounded for presentation purposes.

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 Lake Worth Gas Lse Cap Legacy Fund for the Lake Worth Platting project to support the approval of the above recommendations and acquisition of easement. Prior to an 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

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