

City of Fort Worth, Texas

Mayor and Council Communication

DATE: 06/25/24 M&C FILE NUMBER: M&C 24-0575

LOG NAME: 21CONDEMN C02382 P13 HERRERA & SILVA

SUBJECT

(CD 11) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.006 Acres in Permanent Sewer Easement from Real Property Owned by Jorge Adriel Barraza Herrera and Maria De La Luz Marin Silva, Located at 2317 Emily Dr. in the Forty Oaks Addition, Block 1, Lot 4, Tarrant County, Texas, for the Sanitary Sewer Rehabilitation Contract 90 Part 2 Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.006 acres in permanent sewer easement from real property owned by Jorge Adriel Barraza Herrera & Maria De La Luz Marin Silva, located at 2317 Emily Dr in the Forty Oaks Addition, Block 1, Lot 4, Tarrant County, Texas, were unsuccessful due to the inability to negotiate agreeable terms for the property interests being acquired by the City;
2. Declare the necessity to acquire the described property interest for the Sanitary Sewer Rehabilitation Contract 90 Part 2 project (City Project No. C02382);
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 for the construction, operation, maintenance, replacement, upgrade and repair of the permanent sewer line facility on the Sanitary Sewer Rehabilitation Contract 90 Part 2 project as necessary. This rehabilitation project will be for public use to repair deteriorated sewer lines, allow better flow within the sewer pipes and help prevent sewer backups between Station 2+17 and Station 2+77 on L-3824.

An independent appraisal established fair market value for the property interests (shown below) in the total amount of \$618.00. Negotiations were unsuccessful due to the inability to negotiate agreeable terms for the property interests 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 interests on the property.

Improved Subject Property		
Parcel No.	Legal Description	Acreage / Property Interest
13	2317 Emily Drive, Forty Oaks Addition, Block 1, Lot 4	0.006 Acres / Permanent Sewer Facility Easement

Funding is budgeted in the W&S Capital Projects Fund for the Wastewater Department for the purpose of funding the SS Rehab. Contract 90, Part 2 project, as appropriated.

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 eminent domain to acquire 0.006 acres in permanent sewer facility easement from real property owned by Jorge Adriel Barraza Herrera & Maria De La Luz Marin Silva. The property is needed for the Sanitary Sewer Rehabilitation Contract 100 project, a public use that will upgrade and repair the permanent sewer line facility. The land rights in the subject property are needed for the construction, operation, maintenance and replacement of the sewer facility improvements as necessary. The property is located at 2317 Emily Dr in the Forty Oaks Addition, Block 1, Lot 4, 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 11.

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 Capital Projects Fund for the SS Rehab. Contract 90 Part 2 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

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