

City of Fort Worth, Texas

Mayor and Council Communication

DATE: 03/19/24 M&C FILE NUMBER: M&C 24-0206

LOG NAME: 21CONDEMN 103299 P31 OCTAVIO MESA JR

SUBJECT

(CD 7) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.041 Acres of Land in Right-of-Way Easement and 0.010 Acres for a Temporary Construction Easement from Real Property Owned by Octavio Mesa, Jr., Located at 5941 WJ Boaz Road, in the Lake Crest Estates Addition, an Addition to the City of Fort Worth, Block E, Lots 2 and 3, Tarrant County, Texas, for the WJ Boaz Road Widening Improvements Project (2022 Bond Program)

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.041 acres of land in right-of-way easement and 0.010 acres for a temporary construction easement from real property owned by Octavio Mesa, Jr., located at 5941 WJ Boaz Road in the Lake Crest Estates Addition, an addition to the City of Fort Worth, Block E, Lots 2 and 3, 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 WJ Boaz Road Widening Improvements project (City Project No. 103299);
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 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 subject property are needed for the reconstruction and widening of WJ Boaz Road from Boat Club Road to Elkins School Road (City Project No. 103299). This project consists of widening and reconstructing approximately 1.1 miles of existing two-lane asphalt roadway to a four-lane divided concrete thoroughfare. The roadway improvements include pavement reconstruction with curb and gutter, drainage improvements, street lights, shared used paths and reconstruction of the existing roundabout at Bowman Roberts Road.

An independent appraisal established the property's fair market value for the right-of-way property interest in the total amount of \$69,700.00. 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 Commissioner's hearing held to acquire the property interests (shown below) on the property.

Parcel No.	Legal Description	Acreage/Property Interest
31-ROWE	Lot 2 and 3, Block E, Lake Crest Estates Addition, City of Fort Worth, Tarrant County	0.041 Acres / Right-of-Way Easement
31-TCE	Lot 2 and 3, Block E, Lake Crest Estates Addition, City of Fort Worth, Tarrant County	0.010 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 0.041 acres of land in right-of-way easement and .010 acres for a temporary construction easement from real property owned by Octavio Mesa, Jr. The subject property is located at 5941 WJ Boaz Road in the Lake Crest Estates Addition, an Addition to the City of Fort Worth, Block E, Lots 2 and 3, Tarrant County, Texas. The land rights in the subject property are needed for the WJ Boaz Road Widening Improvements project, a public use that provides for roadway improvements including pavement reconstruction with curb and gutter, drainage improvements, street lights, shared use paths and reconstruction of the existing roundabout at Bowman Roberts Road. The property interest to be acquired is described by metes and bounds and depicted by survey exhibits attached to this Mayor and Council Communication."

Funding is budgeted in the 2022 Bond Program for the purpose of funding the WJ Boaz Road Widening Improvements project, as appropriated.

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

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

Submitted for City Manager's Office by: Dana Burghdoff 8018

Originating Business Unit Head: Ricardo Salazar 8379

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