

Mayor and Council Communication

DATE: 05/21/24

M&C FILE NUMBER: M&C 24-0454

LOG NAME: 21CPN 104345 P7 BOMBER SPUR TRAIL

SUBJECT

(CD 3) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 2.129 Acres in Fee Simple from Real Property Owned by Sally Underwood (Deceased), Anna Charninsky (Deceased), Cecyl D. Aronstein (Deceased), Lois Leah Pullen (Deceased), Claude C. Ezell (Deceased), and Interstate Circuit, Inc., in the Amount of \$301,357.00 Located at 7090 Camp Bowie Boulevard, Fort Worth, Tarrant County, Texas 76116, for the Trail Gap Bomber Spur Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City of Fort Worth and the property owners to acquire the fee simple interest in 2.192 acres from real property owned by Sally Underwood, (Deceased), Anna Charninsky, (Deceased), Cecyl D. Aronstein, (Deceased), Lois Leah Pullen, (Deceased), Claude C. Ezell, (Deceased), and Interstate Circuit, Inc., in the amount of \$301,357.00 situated in the Edward Wilburn Survey, Abstract No. 1679, City of Fort Worth, Tarrant County, Texas 76116, and being or intended to be all of a called 2.0 acre tract of land described as Tract No. 7 conveyed as a right-of-way easement to the United States of America as recorded in Volume 1492, Page 343 of the Official Public Records of Tarrant County, Texas, and subsequently released in Volume 15317, Page 331 of said Official Public Records of Tarrant County, Texas also known as 7090 Camp Bowie Boulevard, Fort Worth, Tarrant County, Texas 76116, were unsuccessful due to the inability to establish ownership;
2. Declare the necessity to acquire the described property interest for the Trail Gap Bomber Spur project (City Project No. 104345);
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 Park & Recreation Department (PARD) to construct a 12' wide shared-use Bomber Spur Trail from Calmont Avenue to West Vickery Boulevard. When completed, the Bomber Spur Trail will feature a 12' wide paved trail, neighborhood trailheads, a pedestrian bridge over Camp Bowie Boulevard, retaining walls and ramps, landscape amenities, and street crossing signals.

Title research by Republic Title and 7 Arrows Land Staff, LLC., established a chain of heirship for the previous owner of the subject property. Alamo Title Company provided a title commitment with Sally Underwood as Trustee for the Trust created under the Last Will and Testamentary of W. G. Underwood under Cause No. 28667; Anna Charninsky, Cecyl D. Aronstein, Lois Leah Pullen; Claude C. Ezell and Interstate Circuit, Inc., as their interest may appear, as the vested owners.

An independent appraisal established the fair market value for the property interest (shown below) at \$301,357.00. The heirs of Sally Underwood (Deceased), Cecyl D. Aronstein (Deceased), and Interstate Circuit, Inc. were located, but negotiations were unsuccessful due to the inability to find the heirs of the remaining vested owners and obtain clear title for the property interest needed for the project.

Upon approval, a condemnation action will be brought, and a Special Commissioners' hearing will be held to acquire the fee simple interest on the property.

Improved Subject Property

Parcel No.	Legal Description	Acreage / Property Interest
7	Edward Wilburn Survey, Abstract No. 1679, City of Fort Worth, Tarrant County	2.129 Acres / Fee Simple

Acquisition of 2.129 acres of Parcel 7 is estimated to have a one-time cleanup cost of \$800.00 and increase PARD's annual maintenance cost by \$2,400.00 beginning in FY2025. As of March 2024, the cumulative total of all previously approved M&Cs increased the department's estimated annual maintenance by \$704,103.00 beginning in FY2025.

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 2.129 acres in fee simple from real property owned by Sally Underwood (Deceased), Anna Charninsky (Deceased), Cecyl D. Aronstein (Deceased), Lois Leah

Pullen (Deceased), Claude C. Ezell (Deceased), and Interstate Circuit, Inc. The property interest is needed for the Bomber Spur Trail project to construct a 12' wide shared-use Bomber Spur Trail from Calmont Avenue to West Vickery Boulevard. The property is located at 7090 Camp Bowie Boulevard, in the Edward Wilburn Survey, Abstract No. 1679, 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.”

Funding is budgeted in the Grant Cap Projects Federal Fund and the General Fund for the Park and Recreation Department for the purpose of funding the Trail Gap Bomber Spur Ph 1 Project, as appropriated. The federal funding is provided through the Texas Department of Transportation.

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 Grants Cap Projects Federal Fund and the General Fund for the Trail Gap Bomber Spur Ph I project to support the approval of the above recommendations and land acquisition. The financial records of the City will be updated to reflect this dedication based upon the Capital Assets Policy contained within the Financial Management Policy Statements. Prior to an expenditure being incurred, the Property Management and Park & Recreation Departments have the responsibility to validate the availability of funds. This is a reimbursement grant.

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

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