

M&C FILE NUMBER: M&C 25-1169

LOG NAME: 21CONDEMN 103648 P 19 MARYS CREEK FORCEMAIN - LAGO CANTERA LLC

SUBJECT

(Benbrook Near CD 3) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 2.174 Acres in Permanent Easement and Approximately 2.524 Acres for a Temporary Construction Easement Interest from Real Property Owned by Lago Cantera LLC., Located at 4905 Corriente Lane, Benbrook, Tarrant County, Texas in the T.G. Zachary Survey, Abstract. No. 1759 & F.M. Wales Survey Abstract. No. 1637, City of Benbrook, Tarrant County, Texas, for the Mary's Creek Force Main Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 2.174 acres permanent easement and approximately 2.524 acres for a temporary construction easement interest from real property owned by Lago Cantera LLC., Located at 4905 Corriente Lane, Benbrook, Tarrant County, Texas in the T.G. Zachary Survey, Abstract. No. 1759 & F.M. Wales Survey ABST. No. 1637, City of Benbrook, 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 for the Mary's Creek Force Main project (City Project No. 103648);
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 purpose of this Mayor and City Council Communication (M&C) is to recommend that the City Council authorize the condemnation of land for the Mary's Creek Force Main project, (City Project No. 103648).

The project will transport wastewater to the future Mary's Creek Water Reclamation Facility in order to treat wastewater produced in the rapidly developing western part for the City and source high-quality reclaimed water for future businesses and industries in the area.

An independent appraisal established the property's fair market value of the Permanent Sewer easement and Temporary Construction Easement Acquisition in the total amount of \$213,200.00. 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 Commissioner's hearing held to acquire the Permanent Sewer Easement and Temporary Construction Easement Interest on the property.

Improved Subject Property

Parcel No.	Legal Description	Acreage/Property Interest
19	T.G. Zachary Survey, Abstract. No. 1759 & F.M. Wales Survey Abstract. No. 1637, CITY OF BENBROOK, TARRANT COUNTY, TEXAS	2.174 Acres / Permanent Easement Interest 2.524 Acres/ Temporary Easement Interest

To approve this 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 2.174 acres of land in Permanent Easement and approximately 2.524 acres for a Temporary Easement Acquisition from real property owned by Lago Cantera LLC. The subject property is located at 4905 Corriente Lane, in the T.G. Zachary Survey, Abstract. No. 1759 & F.M. Wales Survey Abstract. No. 1637, City of Benbrook, Tarrant County, Texas. The land rights in the subject property are needed for the Mary's Creek Force Main, a public use that provides for transporting wastewater to the future Mary's Creek Water Reclamation Facility in order to treat wastewater produced in the rapidly developing western part of the City. 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 Water & Sewer Bond 2017A Fund for the Water Department for the purpose of funding the MC LS Site & FM Align

project, as appropriated.

This property is located in Benbrook near 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 Water & Sewer Bond 2017A Fund for the MC LS Site & FM Align project to support approval of the above recommendations and acquisition of easements. 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: Valerie Washington 6199

Originating Business Unit Head: Marilyn Marvin 7708

Additional Information Contact: Stuart Young 8379

Expedited