

# Mayor and Council Communication

**DATE:** 10/17/23

**M&C FILE NUMBER:** M&C 23-0902

**LOG NAME:** 21CONDEMN 103324-2 P2 ITAD-ESTATES, LLC 2140 S. MAIN

**SUBJECT**

(CD 11) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.110 Acres in Permanent Sanitary Sewer Easement from Real Property Owned by ITAD-Estates, LLC, Located at 2140 South Main Street in the Bone Q Addition, Block 2, Lots 18 - 23, Tarrant County, Texas, for the Jessamine Sanitary Sewer Project

**RECOMMENDATION:**

It is recommended that the City Council:

1. Declare that negotiations between the City of Fort Worth and the property owner to acquire 0.110 acres in permanent sanitary sewer easement from real property owned by ITAD-Estates, LLC, located at 2140 South Main Street in the Bone Q Addition, Block 2, Lots 18 - 23, Tarrant County, Texas, 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 Jessamine Sanitary Sewer project (City Project No. 103324);
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 Jessamine Sanitary Sewer project as necessary. This rehabilitation project will be for public use to repair damaged sewer lines, allow better flow within the sewer pipes and help prevent sewer backups between Station 6+58 and Station 10+75 on L-284.

An independent appraisal established fair market value for the property interest (shown below) in the total amount of \$8,349.00. 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 permanent sewer easement interest on the property.

**Improved Subject Property**

<b>Parcel No.</b>	<b>Legal Description</b>	<b>Acreage / Property Interest</b>
2	Bone Q Addition Block 2 Lots 18 - 23	0.110 Acres / Permanent Sanitary Sewer Easement

Funding is budgeted in the Wastewater Department's W&S Capital Projects Fund for the purpose of funding the Design Services Contract 2020 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 the power of eminent domain to acquire 0.110 acres in permanent sewer easement from real property owned by ITAD-Estates, LLC. The property interest is needed for a public use, the Jessamine Sanitary Sewer project, for an easement to repair damaged sewer lines, allow better flow within the sewer pipes and help prevent sewer backups between Station 6+58 and Station 10+75 on L-284. The property rights in the subject property are needed for the construction, operation, maintenance, replacement, upgrade and repair of the permanent sewer line facility as needed. The property is located at 2140 S Main Street, Fort Worth, in the Bone Q Addition, Block 2, Lot 18-23, 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 Design Services Contract 2020 project to support the approval of the above recommendations and acquisition of the easement. 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

**Originating Business Unit Head:** Ricardo Salazar 8379

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