

# Mayor and Council Communication

**DATE:** 02/28/23

**M&C FILE NUMBER:** M&C 23-0159

**LOG NAME:** 21CONDEMN 102082 MAIN 182/M-191 3500 & 3600 E. LOOP 820 S

**SUBJECT**

(CD 5 / Future CD 5) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.1238 Acres in Permanent Sewer Easements and 0.1237 Acres for Temporary Construction Easements from Real Property Owned by Christopher M. Garoosi Living Trust and Fort Rowlett-Land JV, Located at 3500 E. Loop 820 South in the Parkside East Addition, Block 6, Lot 1 and 3600 E. Loop 820 South in the Ulrich Wuthrick Survey, Abstract No. 1693, Tract 2E1 & 2F3A, Tarrant County, Texas, for the Main 182 and Main 191 Emergency Repair 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 0.1238 acres in permanent sewer easements and 0.1237 acres for temporary construction easements from real property owned by Christopher M. Garoosi Living Trust and Fort Rowlett-Land JV, located at 3500 E. Loop 820 South in the Parkside East Addition, Block 6, Lot 1 and 3600 E. Loop 820 South in the Ulrich Wuthrick Survey, Abstract No. 1693, Tract 2E1 & 2F3A, Tarrant County, Texas, were unsuccessful due to the inability to negotiate agreeable terms;
2. Declare the necessity to acquire the described property interests for the Main 182 and Main 191 Emergency Response project (City Project No. 102082);
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 interests 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 required to construct emergency sanitary sewer mains M-182 and M-191, which will cross Interstate Highway 820 and provide needed sewer capacity.

An independent appraisal established fair market value for the permanent sewer and temporary construction easement property interests in the total amount of \$20,830.00. Negotiations were unsuccessful due to the inability to negotiate agreeable terms.

Upon approval, a condemnation action will be brought and a Special Commissioners' hearing held to acquire the permanent sewer easement and temporary construction easement on the properties noted.

Owner	Parcel No.	Legal Description	Acreage / Property Interest
Christopher M. Garoosi Living Trust	1-PSE	Parkside East, Block 6, Lot 1	0.0808 Acres / Permanent Sewer Easement
Christopher M. Garoosi Living Trust	1-TCE	Parkside East, Block 6, Lot 1	0.0801 Acres / Temporary Construction Easement
Fort Rowlett-Land JV	2-PSE	Ulrich Wuthrick Survey, Abstract No.1693, Tract 2E1 & 2F3A	0.0430 Acres / Permanent Sewer Easement
Fort Rowlett-Land JV	2-TCE	Ulrich Wuthrick Survey, Abstract No.1693, Tract 2E1 & 2F3A	0.0436 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 a total of 0.1238 acres in permanent sewer easements and a total of 0.1237 acres for temporary construction easements from real property owned by Christopher M. Garoosi Living Trust and Fort Rowlett-Land JV. The property is needed for the construction of emergency sanitary sewer mains M-182 & M-191 to cross Interstate Highway 820; a public use that will provide needed sewer capacity. The properties are located at 3500 E. Loop 820 South in the Parkside East Addition, Block 6, Lot 1 and 3600 E. Loop 820 South in the Ulrich Wuthrick Survey, Abstract No. 1693, Tract 2E1 & 2F3A, 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 Wastewater Department's W&S Capital Projects Fund for the purpose of funding the 2018-SS Emergency Response project, as appropriated.

This property is located in COUNCIL DISTRICT 5 / Future COUNCIL DISTRICT 5.

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

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds will be available in the current capital budget, as previously appropriated, in the W&S Capital Projects Fund for the 2018-SS Emergency Response project to support the approval of the above recommendations and acquisition of the easements. Prior to an expenditure being incurred, the Water Department has the responsibility to validate the availability of funds.

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

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Expedited