

City of Fort Worth, Texas

# Mayor and Council Communication

DATE: 02/10/26 M&C FILE NUMBER: M&C 26-0119

LOG NAME: 21CONDEMN 103649 P 5.4 & 5.6 SOUTHSIDE II CROWLEY 3 - AKARD

SUBJECT

(CD 8) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.5018 Acres in Permanent Easement and Approximately 1.3336 Acres for a Temporary Construction Easement Interest for Real Property Owned by Akard Acquisitions 2001 LLC, Located at 11300 South Freeway, Fort Worth, Tarrant County, Texas in the Phillips, James E Survey, Abstract No. 1232, Tract 1B, City of Fort Worth, Tarrant County, Texas, for the Southside II Water Main Alignment Study - City Transmission Main Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.5018 acres in permanent water easement and approximately 1.3336 acres for a temporary construction easement interest for real property owned by Akard Acquisition 2001 LLC, Located at 11300 South Freeway, Fort Worth, in the Phillip, James E Survey, Abstract No. 1232 Tract 1B, City of Fort Worth, Tarrant County, Texas, 76140 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 Southside II Water Main Alignment Study – City Main project (City Project No. 103649);
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 Council Communication (M&C) is to recommend that the City Council authorize the use of eminent domain to acquire 0.5018 acres in permanent easement and approximately 1.3336 acres for a temporary construction easement interest for real property owned by Akard Acquisition 2001 LLC, located at 11300 South Freeway, Fort Worth, Tarrant County, Texas for the Southside II Water Main project, (City Project No. 103649).

The land rights in the subject property are needed to provide additional water capacity to support the rapid growth in Fort Worth and the City of Crowley, who is a wholesale customer of Fort Worth (City Project No. 103649). The project includes the installation of approximately 7,750 linear feet of 24-inch water transmission main. Sections of the water main will be constructed by methods other than the open cut, including the crossings of West Rendon Crowley Road, Hemphill Street, Union Pacific Railroad, and Interstate Highway 35W. The remainder of the project will be installed by open cut at an average depth around 6-8 feet to top of pipe. The project is anticipated to begin construction in fall of 2026.

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 \$29,311.00. 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
P5.4 & 5.6	PHILLIPS, JAMES E SURVEY Abstract 1232 Tract 1B, CITY OF FORT WORTH, TARRANT COUNTY, TEXAS	0.5018 Acres / Permanent Easement Interest  1.3336 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 .5018 acres of land in Permanent Easement and approximately 1.3336 acres for a Temporary Easement Acquisition from real property owned by Akard Properties 2001, LLC. The subject property is located at 11300 South Freeway, in the Phillips, James E. Survey, Abstract 1232 Tract 1 B, City of Fort Worth, Tarrant County, Texas. The land rights in the subject property are needed for the water transmission main improvements on the Southside II Water Transmission Main project.

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 W&S Revenue Bonds Series 2023 Fund for the purpose of funding the Southside II Water Main Alignment Study - City Main Project, as appropriated.

This property is located in COUNCIL DISTRICT 8.

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 Rev Bonds Series 2023 Fund within the SS II W Main Align (Study) Project to support the approval of the above recommendation(s) and award of the contract. Prior to any expenditure being incurred, the Property Management Department has 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

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