

# Mayor and Council Communication

DATE: 09/27/22

M&C FILE NUMBER: M&C 22-0788

LOG NAME: 21CONDEMN 102687 WE7 & TCE5 KLLB AIV

**SUBJECT**

(CD 7) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.023 Acres in Permanent Water Facility Easement and 0.018 Acres for a Temporary Construction Easement from Real Property Owned by KLLB AIV, LLC, Located at 10125 Saginaw Boulevard in the Benjamin Thomas Survey, Abstract No. 1497, Tarrant County, Texas, for the Northside IV 24" Water Main Phase 1B Project

**RECOMMENDATION:**

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.023 acres in permanent water facility easement and 0.018 acres for a temporary construction easement from real property owned by KLLB AIV, LLC, located at 10125 Saginaw Boulevard in the Benjamin Thomas Survey, Abstract No. 1497, Tarrant County, Texas, were unsuccessful due to the inability to negotiate agreeable terms for the property interests being acquired by the City;
2. Declare the necessity to acquire the described property interests for the Northside IV 24" Water Main Phase 1B project (City Project No. 102687);
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 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 land rights in the subject property are needed for the construction, operation, maintenance, replacement, upgrade and repair of the permanent water line facility on the Northside IV 24" Water Main Phase 1B project as necessary. This new 24-inch water transmission line will be constructed for public use, providing water to new development in the northern part of the City of Fort Worth (City). The line extends from Heritage Trace Parkway and generally follows the west side of Business 287 (Saginaw Boulevard) north to Bonds Ranch Road. The project includes a flow transfer station at Muscogee Drive that will maintain water quality in the line and allow for emergency transfer of water between the Northside III and Northside IV pressure planes.

A new Eagle Mountain-Saginaw Independent School District high school, located along Bonds Ranch Road, will also be relying on the water from the Northside IV transmission line. The new school is scheduled to open in the Fall of 2024, contingent upon the City being able to acquire the necessary easements and construct the water line in time.

An independent appraisal established fair market value for the various property interests (shown below) in the total amount of \$597.00. Negotiations were unsuccessful due the inability to negotiate agreeable terms for the property interests 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 and temporary construction easement on the property.

Parcel No.	Legal Description	Acreage / Property Interest
05	Benjamin Thomas Survey, Abstract No. 1497, Tract 4B06, Tarrant County, Texas	0.018 Acres / Temporary Construction Easement
07	Benjamin Thomas Survey, Abstract No. 1497, Tract 4B06, Tarrant County, Texas	0.023 Acres / Permanent Water Facility 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 0.023 acres in permanent water facility easement and 0.018 acres for a temporary construction easement from real property owned by KLLB AIV, LLC. The property interests are needed for the Northside IV Water Transmission Main project, a public use that will provide water to new development in the northern part of the City of Fort Worth. The land rights in the subject properties are needed for the construction, operation, maintenance, replacement, upgrade and repair of the permanent water line facility as necessary. The property is located at 10125 Saginaw Boulevard in the Benjamin

Thomas Survey, Abstract No. 1497, Tract 4B06, 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 Water Dept Public Utility Department’s W&S Rev Bonds Series 2021 Fund for the purpose of funding the NS IV 24” Water Main Phase 1B project, as appropriated.

This property is located in COUNCIL DISTRICT 7.

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 are available in the current capital budget, as previously appropriated, in the W&S Rev Bonds Series 2021 Fund for the NS IV 24” Water Main Phase 1B project to support the approval of the above recommendations and acquisition of easements. Prior to any expenditure being incurred, the Water and Property Management Departments have the responsibility to validate the availability of funds.

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Expedited