

Mayor and Council Communication

DATE: 12/01/20

M&C FILE NUMBER: M&C 20-0859

LOG NAME: 21PMD C02505 P7 CONDEMN

SUBJECT

(CD 6) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 5.2967 Acres in Permanent Right-of-Way Easement, 0.891 Acres in Permanent Drainage Easement, 0.6378 Acres in Permanent Slope Easement and 1.0085 Acres for Temporary Construction Easements from Real Property Owned by Meng Zhu-Shen, Located Approximately 0.7 Miles East of W. Cleburne Road and 0.1 Miles West of Carson Ranch Road on the South Side of N. Crowley Cleburne Road in the Moses Walters Survey, Abstract No. 1598, City of Fort Worth, Tarrant County, Texas, for the McCart Avenue/McPherson Boulevard Project (2014 Bond Program)

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 5.2967 acres in permanent right-of-way easement, 0.891 acres in permanent drainage easement, 0.6378 acres in permanent slope easement and 1.0085 acres for temporary construction easements from real property owned by Meng Zhu-Shen, located approximately 0.7 miles east of W. Cleburne Road and 0.1 miles west of Carson Ranch Road on the south side of N. Crowley Cleburne Road in the Moses Walters Survey, Abstract No. 1598, City of Fort Worth, Tarrant County, Texas, were unsuccessful due to the inability to reach a mutually agreed upon value for the property interests being acquired by the City;
2. Declare the necessity to acquire the described property interests for the McCart Avenue/McPherson Boulevard Project;
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 required to construct public roadway improvements that will extend McCart Avenue from Twin Leaf Drive to N. Crowley-Cleburne Road and McPherson Boulevard from Cleburne Road to the future McCart Avenue. This new arterial will be constructed for public use and funds for this project were included within the 2014 Capital Improvement Program. The land rights in the improved subject property are needed for new travel lanes, storm drainage improvements, sidewalks, and streetlights as necessary.

An independent appraisal established fair market value for the various property interests in the total amount of \$416,477.00. Negotiations were unsuccessful due to the inability to reach a mutually agreed upon value for the property interests being acquired by the City.

Upon approval, a Special Commissioners' hearing will be brought to acquire the various property interests on the property.

Parcel No.	Legal Description	Acreage / Property Interest
7-ROW and 7-ROW-2	Moses Walters Survey, Abstract No. 1598	5.2967 Acres / Permanent Right-of-Way Easements
7-DE-1 and 7-DE-2	Moses Walters Survey, Abstract No. 1598	0.891 Acres / Permanent Drainage Easements
7-SE-1, 7-SE-2 and 7-SE-3	Moses Walters Survey, Abstract No. 1598	0.6378 Acres / Permanent Slope Easements
7-TCE-1, 7-TCE-2, 7-TCE-3 and 7-TCE-2.2	Moses Walters Survey, Abstract No. 1598	1.0085 Acres / Temporary Construction Easements

should say:

"I move that the Fort Worth City Council adopt the resolution authorizing use of the power of eminent domain to acquire 5.2967 acres in right-of-way easement, 0.891 acres in permanent drainage easement, 0.6378 acres in permanent slope easement and 1.0085 acres for temporary construction easements from real property owned by Meng Zhu-Shen. The property is needed for the McCart Avenue/McPherson Boulevard Project, a public use that will extend McCart Avenue from Twin Leaf Drive to N. Crowley-Cleburne Road and McPherson Boulevard from Cleburne Road to the future McCart Avenue. The land rights in the subject property are needed for new travel lanes, storm drainage improvements, sidewalks, and streetlights as necessary. The property is located approximately 0.7 miles east of W. Cleburne Road and 0.1 miles west of Carson Ranch Road on the south side of N. Crowley Cleburne Road in the Moses Walters Survey, Abstract No. 1598, City of Fort Worth, Tarrant County, Texas. The property interests to be acquired are described by metes and bounds and depicted by survey exhibits attached to this Mayor and Council Communication."

This property is located in COUNCIL DISTRICT 6.

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 upon approval of the above recommendation and award of commissioners, funds are available in the current capital budget, as previously appropriated, of the 2014 Bond Program, McCart Avenue/McPherson Boulevard Project No. C02505. The Property Management Department has the responsibility to validate the availability of funds prior to the expenditure of funds.

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

Originating Business Unit Head: Steve Cooke 5134

Additional Information Contact: Ricardo Salazar II 8379
Niels Brown 5166