

# Mayor and Council Communication

DATE: 03/02/21

M&C FILE NUMBER: M&C 21-0153

LOG NAME: 21CONDEMN-5501 EAST INTERSTATE HIGHWAY 20- ELLIOT & LILLIAN

**SUBJECT**

(CD 5) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.016 Acres for a Permanent Sewer Easement and 0.418 Acres for Temporary Construction Easements from Improved Property Owned by the Elliot and Lillian, LLC Located At 5501 IH 20 East of the Intersection of East Loop 820 South and North of Interstate Highway 20, Situated in Lot 3, Block 1 of Postwood Business Park Addition, Tarrant County, Texas, for the Lake Arlington Force Main and Lift Station Project

**RECOMMENDATION:**

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.016 acres in permanent sewer easement and 0.418 acres for temporary construction easements from improved property owned by Elliot and Lillian, LLC, located east of the intersection of East Loop 820 South and north of Interstate Highway 20, situated in Lot 3, Block 1 of Postwood Business Park Addition, 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 Lake Arlington Force Main and Lift Station project (City Project No. 100995);
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 property rights in the improved subject property are required to construct public sewer improvements that will increase conveyance capacity necessary to handle projected growth within the Village Creek Wastewater Basin. The Fort Worth Wastewater Master Plan recommends the installation of a lift station and force main within the lower reaches of the Village Creek Basin. This new sewer improvement will be constructed for public use and funds for this project were included within the 2018 Water and Sewer Revenue Bond proceeds. The land rights in the improved subject property are needed for a new force main sewer line.

An independent appraisal established fair market value for the permanent sewer and temporary construction easement property interests in the total amount of \$11,197.00. 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 property.

**Improved Subject Property**

Parcel No.	Legal Description	Acreage / Property Interest
20-PSE	Lot 3 Block 1 Postwood Business Park Addition	0.016 Acres / Permanent Sewer Easement
20-TCE 1	Lot 3 Block 1 Postwood Business Park Addition	0.383 Acres / Temporary Construction Easement
20-TCE 2	Lot 3 Block 1 Postwood Business Park Addition	0.035 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 0.016 acres in permanent easement and a total of 0.418 acres for temporary construction easements from improved property owned by Elliot and Lillian, LLC. The property is needed for the Lake Arlington Force Main and Lift Station Project, a public use that will increase sewer capacity for the Village Creek Wastewater Basin. The property is located at 5501 IH 20, east of the intersection of East Loop 820 South and north of IH 20 in the Postwood Business Park Addition Lot 3, Block 1, in 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 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 are available in the current capital budget, as previously appropriated, in the W&S Capital Proj 2018 Fund for the Lake Arlington, FM, LS and SS project to support the approval of the above recommendations and the purchase of the easements. 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

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