

Mayor and Council Communication

DATE: 06/09/26

M&C FILE NUMBER: M&C 26-0479

LOG NAME: 21CONDEMN 102930 P01-P02 2022 BOND YR 1-CONTRACT 4

SUBJECT

(CD 5) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire a Total of 944 Square Feet of Permanent Sanitary Sewer Easement Rights From Real Properties Owned by Maria Rojero, Located at 4604 Burton Avenue, being Part of Lot 10, Block 7 of the Edgewood Terrace Addition, and Homeurway, LLC, 4600 Burton Avenue, and being Part of Lot 9, Block 7 of the Edgewood Terrace Addition, City of Fort Worth, Tarrant County, Texas, (2022 Bond Program)

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owners to acquire 944 square feet of permanent sanitary sewer easement rights have been unsuccessful due to the inability to negotiate agreeable terms for the necessary property interests owned by Maria Rojero, located at 4604 Burton Avenue, City of Fort Worth, Tarrant County, Texas, and being part of Lot 10, Block 7 of Edgewood Terrace Addition, as recorded in Volume 388-V, Page 118, Plat Records of Tarrant County, Texas; and Homeurway, LLC, located at 4600 Burton Avenue, City of Fort Worth, Tarrant County, Texas, and being part of Lot 9, Block 7 of the Edgewood Terrace Addition, as recorded in Volume 388-V, Page 118 Plat Records of Tarrant County, Texas, for the 2022 Bond Yr 1 Contract 4 project (City Project No. 102930);
2. Adopt the attached resolution authorizing the City of Fort Worth to use its power of eminent domain to acquire the necessary property interests for public use;
3. Authorize the City Attorney to institute condemnation by eminent domain proceedings to acquire the described property interests from the property owners;
4. Authorize payments pursuant to an award of commissioners or negotiated settlements; and
5. Authorize the City Manager or his designee to accept and record the appropriate documents.

DISCUSSION:

The 2022 Bond Yr 1 - Contract 4 project will require additional sanitary sewer easement rights. The land rights for the subject properties are required for the 2022 Bond Yr 1 - Contract 4 project and are necessary to replace sanitary sewer main L-4508 located between Edgewood Terrace and Crouch Avenue from Burton Avenue to East Berry Street. The proposed sewer line will replace an existing deteriorated 8-inch clay pipe that currently runs beneath a building. The required easements will allow for the construction, operation and maintenance of the sewer line.

An independent appraisal established the fair market value of the property interests, including permanent sanitary sewer easement rights, at a total of \$4,720.00.

Despite good-faith efforts, negotiations were unsuccessful due to the parties' inability to reach agreement on acceptable terms for the acquisition by the City.

Upon approval, a condemnation action will be brought forward and a Special Commissioners' hearing held to acquire the necessary property interests (shown below).

OWNER	PROPERTY INTEREST/LEGAL DESCRIPTION PROPERTY ADDRESS	OFFER
Maria Rojero (Parcel 01 PSSE)	A permanent sanitary sewer easement of approximately 475 square feet being part of Lot 10, Block 7, of the Edgewood Terrace Addition, an addition to the City of Fort Worth, Tarrant County, Texas, otherwise known as 4604 Burton Avenue, City of Fort Worth, Tarrant County Texas and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.	\$2,375.00
Homeurway, LLC (Parcel 02 PSSE)	A permanent sanitary sewer easement of approximately 469 square feet, being part of Lot 9, Block 7 of the Edgewood Terrace Addition, an addition to the City of Fort Worth, Tarrant County, Texas, otherwise known as 4600 Burton Avenue, further described in Exhibit A, attached hereto and made a	\$2,345.00

part hereof as if set forth here verbatim.

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:

475 square feet of permanent sanitary sewer easement rights owned by Maria Rojero, owner of property located at 4604 Burton Avenue, City of Fort Worth, Tarrant County, Texas, and being part of Lot 10, Block 7, of the Edgewood Terrace Addition, an addition in the City of Fort Worth, Tarrant County, Texas; and

469 square feet of permanent sanitary sewer easement rights owned by Homeurway, LLC, owners of property located at 4600 Burton Avenue, City of Fort Worth, Tarrant County, Texas, and being part of Lot 9, Block 7, of the Edgewood Terrace Addition, an addition to the City of Fort Worth, Tarrant County, Texas.

The land rights in the subject properties are needed for a public use, for the 2022 Bond Yr 1- Contract 4 project to replace sanitary sewer main L-4508 located between Edgewood Terrace and Crouch Avenue from Burton Avenue to East Berry Street. The proposed sewer line will replace an existing deteriorated 8-inch clay pipe that currently runs beneath a building. The required easements will allow for the construction, operation and maintenance of the sewer line.

The Property interests to be acquired are described by metes and bounds and depicted by survey exhibits attached to this Mayor and Council Communication. The first record vote applies to all units of property to be condemned, and the minutes shall reflect that the first vote applies to all units."

Funding is budgeted in the Water & Sewer Capital Projects Fund for the purpose of funding the 2022 Bond Yr 1 - Contract 4 project.

This project is included in the 2022 Bond Program. The City's Extendable Commercial Paper (ECP) (M&C 22-0607; Ordinance 25675-08-2022) provides liquidity to support the appropriation. Available resources will be used to actually make any interim progress payments until debt is issued. Once debt associated with a project is sold, debt proceeds will reimburse the interim financing source in accordance with the statement expressing official Intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance 25515-05-2022).

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.

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 Projects Fund for the 2022 Bond Yr 1 - Contract 4 project to support the approval of the above recommendations and the acquisition of easements. Prior to any expenditure being incurred, the Property Management and Water Departments have the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: Valerie Washington 6199

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