

# Mayor and Council Communication

DATE: 06/27/23

M&C FILE NUMBER: M&C 23-0514

LOG NAME: 21CONDEMN 103421 P1 PEREZ 3737 BELLAIRE CIR PSFE

**SUBJECT**

(ETJ Near CD 3) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.023 Acres in Permanent Sewer Facility Easement from Real Property Owned by Azzah Mary Darkazally Perez, Located at 3737 Bellaire Circle in the Westcliff Addition, Block 9, Lot 2, Tarrant County, Texas, for the Water and Sanitary Sewer Replacement Contract 2020 WSM-K 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 sewer facility easement from real property owned by Azzah Mary Darkazally Perez, located at 3737 Bellaire Circle in the Westcliff Addition, Block 9, Lot 2, Tarrant County, Texas, 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 Water and Sanitary Sewer Replacement Contract 2020 WSM-K project (City Project No. 103421);
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 land rights in the subject property are needed for the Water and Sanitary Sewer Replacement Contract 2020 WSM-K project, a public-use project that will replace sanitary sewer lines in the Westcliff neighborhood.

An independent appraisal established a fair market value for the property interest in the total amount of \$40,200.00. 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 Commissioners' hearing held to acquire the property interest (shown below) on the property.

| Parcel No. | Legal Description                | Acreage / Property Interest                     |
|------------|----------------------------------|---|
| 1-PSFE     | WESTCLIFF ADDITION Block 9 Lot 2 | 0.023 Acres / Permanent Sewer 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 sewer facility easement from real property owned by Azzah Mary Darkazally Perez. The property is needed for the Water and Sanitary Sewer Replacement Contract 2020, WSM-K project, a public use that will address sewer line maintenance. The land rights in the subject property are needed for sanitary sewer line replacements as necessary. The property is located at 3737 Bellaire Circle in the Westcliff Addition, Block 9, Lot 2, 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 for Water and Sanitary Sewer Replacement Contract 2020 WSM-K project is depicted below:

| Fund                              | Existing Appropriations | Additional Appropriations | Project Total* |
|-----------------------------------|-------------------------|---------------------------|----------------|
| W&S Capital Projects - Fund 56002 | \$816,050.00            | \$0.00                    | \$816,050.00   |
| Project Total                     | \$816,050.00            | \$0.00                    | \$816,050.00   |

\*Numbers rounded for presentation purposes.

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 Project Fund for the W/SS Repl Contract 2020 WSM-K project to support the approval of the above recommendations and acquisition of easement. Prior to an expenditure being incurred, the Water and Property Management Departments have the responsibility to validate the availability of funds.

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Expedited