

# Mayor and Council Communication

**DATE:** 09/26/23

**M&C FILE NUMBER:** M&C 23-0812

**LOG NAME:** 21CONDEMN 101014 P30 SJJ PROPERTIES LLC

**SUBJECT**

(CD 10) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.080 Acres in Right-of-Way Easement from Real Property Owned by SJJ Properties, LLC, Located at 1321 Avondale-Haslet Road, Haslet, Tarrant County, Texas, for the Avondale Haslet Road Project (2018 Bond Program)

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**RECOMMENDATION:**

It is recommended that the City Council:

1. Declare that negotiations between the City of Fort Worth and the property owner to acquire 0.080 acres from real property owned by SJJ Properties, LLC, located at 1321 Avondale-Haslet Road, Haslet, Tarrant County, Texas 76052 in the Boaz Addition, Block A, Lot 6, City of Haslet, 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 Avondale Haslet Road project (City Project No. 101014);
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.

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**DISCUSSION:**

The land rights in the subject property are needed for the reconstruction and widening of Avondale Haslet Road from Willow Creek Drive to the eastern city limits of the City of Haslet at John Day Road (City Project No.101014). This project consists of widening and reconstructing approximately 2.4 miles of the existing two-lane asphalt roadway to a four-lane, divided, concrete urban arterial. The roadway improvements include improved drainage collection and drainage crossings designed for a 100-year storm, street illumination, ten-foot shared-use paths and traffic signal improvements at three intersections along Avondale Haslet Road.

An independent appraisal established the property's fair market value in the amount of \$147,593.00. 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 right-of-way easement interest on the property.

Parcel No.	Legal Description	Acreage/Property Interest
30	Boaz Addition, Block A, Lot 6, City of Haslet, Tarrant County	0.080 / Right-of-Way 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 0.080 acres in right-of-way easement from real property owned by SJJ Properties, LLC. The land rights in the subject property are needed for the Avondale Haslet Road project, a public use that will reconstruct and widen Avondale Haslet Road from Willow Creek Drive to the eastern city limits of the City of Haslet at John Day Road. The property will be used for widening and reconstructing the existing two-lane asphalt roadway to a four-lane, divided, concrete urban arterial. The property is located at located at 1321 Avondale Haslet Road in the Boaz Addition, Block A, Lot 6, City of Haslet, 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 TPW Dept Highway & Streets Department's 2018 Bond Program Fund for the purpose of funding the Avondale Haslet Road project, as appropriated.

This project is included in the 2018 Bond Program. Available resources within the General Fund will be used to provide interim financing until debt is issued. Once debt associated with the project is sold, bond proceeds will reimburse the General Fund in accordance with the statement expressing official Intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance No. 23209-05-2018) and subsequent actions taken by the Mayor and Council.

This property is located in COUNCIL DISTRICT 10.

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 2018 Bond Program Fund for the Avondale Haslet Road project to support approval of the above recommendations and acquisition of easement. Prior to any expenditure being incurred, the Property Management and Transportation and Public Works Departments have the responsibility to validate the availability of funds.

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

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Expedited