

Mayor and Council Communication

DATE: 10/25/22

M&C FILE NUMBER: M&C 22-0867

LOG NAME: 21CONDEMN 100604 P5 & P8 MCBROWN

SUBJECT

(CD 8) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.057 Acres in Permanent Water and Drainage Easement and 0.041 Acres in Permanent Drainage Easement from Real Property Owned by Geneva McBrown, Located at 3901 and 4001 Brookline Avenue in the Trentman City Addition, Block 7, Lots 17 & 18, City of Fort Worth, Tarrant County, Texas, for the Trentman Street Bridge Replacement and Pavement Rehabilitation Project (Continued from a Previous Meeting)

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.057 acres in permanent water and drainage easement and 0.041 acres in permanent drainage easement from real property owned by Geneva McBrown, located at 3901 and 4001 Brookline Avenue in the Trentman City Addition, Block 7, Lots 17 & 18, City of Fort Worth, 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 Trentman Street Bridge Replacement and Pavement Rehabilitation 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 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 Trentman Street Bridge Replacement and Pavement Rehabilitation project, a public use that will capture roadway run-off through sag inlets and drain into Prairie Dog Creek. The property will be used for the permanent grading, construction, maintenance and repair of the Prairie Dog Creek Channel on the Eastside of Trentman Street Bridge.

An independent appraisal established fair market value for the permanent water and drainage easement property interests in the total amount of \$9,100.00. Negotiations were unsuccessful due to the inability to negotiate agreeable terms for the property interest being acquired by the City.

Upon approval, a Special Commissioners' hearing will be brought to acquire the permanent drainage and sewer easements on the property.

Improved Subject Property

Parcel No.	Legal Description	Acreage / Property Interest
5-PWDE	3901 Brookline Avenue, Lot 18, Block 7, Trentman City Addition	0.057 Acres / Permanent Water and Drainage Easement
8-PDE	4001 Brookline Avenue, Lot 17, Block 7, Trentman City Addition	0.041 Acres / Permanent Drainage 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 0.057 acres in permanent water and drainage easement and 0.041 acres in permanent drainage easement from real property owned by Geneva McBrown. The land rights in the subject property are needed for the Trentman Street Bridge Replacement and Pavement Rehabilitation project, a public use that will capture roadway run-off through sag inlets and drain into Prairie Dog Creek. The property will be used for the permanent grading, construction, maintenance and repair of the Prairie Dog Creek Channel on the Eastside of Trentman Street Bridge. The property is located at 3901 and 4001 Brookline Avenue in the Trentman City Addition, Block 7, Lots 17 & 18, City of Fort Worth, 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 W&S Capital Projects Fund for the purpose of funding the Trentman Street Bridge.

This project is located in COUNCIL DISTRICT 8.

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 Trentman Street Bridge project to support the approval of the above recommendations and the acquisition of easements. Prior to any expenditure being incurred, the Transportation and Public Works Department has the responsibility to validate the availability of funds.

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

Originating Business Unit Head: Steve Cooke 5134

Ricky Salazar 8379

Additional Information Contact: Niels Brown 5166

Jeremy Van Rite 2574