

# Mayor and Council Communication

DATE: 11/29/22

M&C FILE NUMBER: M&C 22-0996

LOG NAME: 21CONDEMN 101013 P4 2401 GOLDEN HEIGHTS

**SUBJECT**

(CD 7) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.139 Acres in Right-of-Way Easement and 0.127 Acres for a Temporary Construction Easement from Improved Property Owned by Harmon Fund, LP, Located at 2401 Golden Heights Road in Lot 1, Block 1, Harmon Senior Villas Addition, Tarrant County, Texas, for the Golden Triangle Boulevard Project (2018 Bond Fund)

**RECOMMENDATION:**

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.139 acres in right-of-way easement and 0.127 acres for a temporary construction easement from improved property owned by Harmon Fund, LP, located at 2401 Golden Heights Road in Lot 1, Block 1, Harmon Senior Villas Addition, Tarrant County, Texas, were unsuccessful due to the inability to negotiate agreeable terms for the property interests being acquired by the City;
2. Declare the necessity to acquire the described property interests for the Golden Triangle Boulevard project (City Project No. 101013);
3. Adopt the attached resolution authorizing the City of Fort Worth 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 land rights in the improved subject property are required to construct public roadway improvements at the northwest corner of Golden Heights Road and Harmon Road that will improve safety and traffic flow along Golden Triangle Boulevard where it transitions into Harmon Road. The improvements will be constructed for public use and the property rights are needed for new travel lanes, storm drainage improvements, sidewalks, traffic signals and streetlights as necessary.

An independent appraisal established fair market value for the property interests shown below in the total amount of \$81,300.00. Negotiations were unsuccessful due to the inability to negotiate agreeable terms for the property interests being acquired by the City. Upon approval, a condemnation action will be brought and a Special Commissioners' hearing held to acquire the property interests on the property.

**Improved Subject Property**

Parcel No.	Legal Description	Acreage / Property Interest
4	Lot 1, Block 1, Harmon Senior Villas Addition	0.139 Acres / Right-of-Way Easement
4	Lot 1, Block 1, Harmon Senior Villas Addition	0.127 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 0.139 acres in right-of-way easement and 0.127 acres for a temporary construction easement from improved property owned by Harmon Fund, LP. The property is needed to construct public roadway improvements at the northwest corner of Golden Heights Road and Harmon Road for the Golden Triangle Boulevard project, a public use that will improve safety and traffic flow along Golden Triangle Boulevard where it transitions into Harmon Road. The land rights in the subject property are for new travel lanes, storm drainage improvements, sidewalks, traffic signals and streetlights as necessary. The property is located at 2401 Golden Heights Road in Lot 1, Block 1, Harmon Senior Villas, Tarrant County, Texas. 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 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.

Funding is budgeted in the 2018 Bond Fund for the purpose of funding the Golden Triangle Boulevard I35-MistyRwood project, as appropriated.

This property is located in COUNCIL DISTRICT 7.

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 Fund for the Golden Triangle Boulevard project to support the approval of the above recommendations and acquisition of easements. 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