

Mayor and Council Communication

DATE: 01/23/24

M&C FILE NUMBER: M&C 24-0084

LOG NAME: 21CONDEMN 103085 P38 LAS VEGAS TRAIL DUNNAGAN FAMILY TRUST

SUBJECT

(CD 7) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.17 Acres in Right-of-Way-Easement from Property Owned by Dunnagan Family Trust, Dunnagan Management, LLC, Trustee, Located at 8001 Heron Drive in the D.E. Norton Survey, Abstract 1174, in the City of Fort Worth, Tarrant County, Texas for the Las Vegas Trail Street Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.17 acres in right-of-way-easement from property owned by Dunnagan Family Trust, Dunnagan Management, LLC, Trustee, Located at 8001 Heron Drive in the D.E. Norton Survey, Abstract 1174, in the City of Fort Worth, Tarrant County, Texas, were unsuccessful due to the inability to reach a mutually agreed upon value for the property interest being acquired by the City;
2. Declare the necessity to acquire the described property interest for the Las Vegas Trail Project (City Project No. 103085);
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 property rights in the subject property are needed for the reconstruction and widening of the North Las Vegas Trail from Frontage Rd 1820 to Quebec Dr (City Project No. 103085). This project consists of widening and reconstructing approximately 0.5 miles of the existing two-lane asphalt roadway to a four-lane divided concrete thoroughfare. The roadway improvements include pavement reconstruction with curb and gutter, drainage improvements, street lights, and shared used paths. It also includes increasing the capacity of the culvert between Heron Drive and Shoreview Drive.

An independent appraisal established the property's fair market value for the right-of-way property interest in the total amount of \$21,304.00. Negotiations were unsuccessful due to the inability to reach a mutually agreed upon value for the property interests being acquired by the City.

Upon approval, a condemnation action will be brought and a Special Commissioner's hearing held to acquire the right-of-way easement interest on the property.

Parcel No.	Legal Description	Acreage / Property Interest
38-ROWE	D.E. Norton Survey, Abstract #1174	0.17 Acres / 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 0.17 acres in right-of-way easements from real property owned by Dunnagan Family Trust. The subject property is located at 8001 Heron Drive in the D.E. Norton Survey, Abstract #1174, Tarrant County, Texas. The land rights in the subject property are needed for the Las Vegas Trail Project, a public use that provides for roadway improvements including pavement reconstruction with curb and gutter, drainage improvements, street lights, and shared use paths. It also includes increasing the capacity of the culvert between Heron Drive and Shoreview Drive. 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 2007 Critical Capital Projects Fund for the purpose of funding the Las Vegas Trail 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.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the 2007 Critical Capital

Projects Fund for the Las Vegas Trail 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.

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