

City of Fort Worth, Texas

Mayor and Council Communication

DATE: 02/27/24M&C FILE NUMBER: M&C 24-0157

LOG NAME: 21CONDEMN 100995 P43,P46, & P47 / KIDWELL - GIBBINS

SUBJECT

(CD 5) Adopt Attached Resolution Authorizing Condemnation by Eminent Domain to Acquire Permanent Sewer Facility Easements for Parcel 43 Containing Approximately 0.51 Acres and Temporary Construction Easements of Approximately 1.77 Acres from Improved Property Owned by Keith Kidwill and Samuel Gibbins Located at 3501 South Cravens Road, Situated in Lots 1B 2B1 3B1 NPT 6 & 10B 11B 12B 13B, Block 4 and Lots 14A 15A & 16A, Block 6 of the Handley Heights South Addition, City of Fort Worth, Tarrant County, Texas, and Acquire Permanent Sewer Facility Easements for Parcel 46 & Parcel 47 Containing Approximately 0.156 Acres and Temporary Construction Easements of Approximately 0.373 Acres from Improved Property Owned by Keith Kidwill and Samuel Gibbins Located at 3400 Quail Road and 6200 Dowdell, Situated in Lots 8A & 9A & Lots 8B & 9B, Block 4 of the Handley Heights South Addition, City of Fort Worth, Tarrant County, Texas, for the Lake Arlington Lift Station and Force Main Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City and the property owner to acquire 0.51 acres in permanent sewer facility easements and 1.77 acres in temporary construction easements for parcel 43 from improved property owned by Keith Kidwill and Samuel Gibbins, located at 3501 South Cravens Road, situated in lots 1B 2B1 3B1 NPT 6 & 10B 11B 12B 13B, Block 4 and Lots 14A 15A & 16A, Block 6 of the Handley Heights South Addition, 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; And declare that negotiations between the City and the property owner to acquire 0.156 acres in permanent sewer facility easements and 0.373 acres in temporary construction easements for parcel 46 & Parcel 47 from improved property owned by Keith Kidwill and Samuel Gibbins, located at 3400 Quail Road and 6200 Dowdell, situated in lots 8A & 9A & Lots 8B & 9B, Block 4 of the Handley Heights South Addition, 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 Lake Arlington Force Main and Lift Station project (City Project No. 100995);
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 improved subject property are required to construct public sewer improvements that will increase conveyance capacity necessary to handle projected growth within the Village Creek Wastewater Basin. The Fort Worth Wastewater Master Plan recommends the installation of a lift station and force main within the lower reaches of the Village Creek Basin, Lake Arlington Lift Station and Force Main project, (City Project No. 100995). This new sewer improvement will be constructed for public use and funds for this project were included within the Water & Sewer Capital Project 2018 Fund. The land rights in the improved subject property are needed for a new force main sewer line.

An independent appraisal established fair market value for the permanent sewer and temporary construction property interests in the total amount of \$40,236.00. 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 Special Commissioners' hearing will be brought to acquire the permanent sewer easement and temporary construction easement on the property.

Improved Subject Property		
Parcel No.	Legal Description	Acreage / Property Interest
43-PSE	Being a portion of Lots 1B 2B1 3B1 NPT 6 & 10B 11B 12B 13B, Block 4 and Lots 14A 15A & 16A, Block 6 of the Handley Heights South Addition	0.51 Acres / Permanent Sewer Easement
43-PSE	Being a portion of Lots 1B 2B1 3B1 NPT 6 & 10B 11B 12B 13B, Block 4 and Lots 14A 15A & 16A, Block 6 of the Handley Heights South Addition	1.77 Acres / Temporary Construction Easement
46-PSE	Being a portion of Lot 8A & 9A, Block 4 of Handley Heights South Addition	0.107 Acres / Permanent Sewer Easement
46-TSE	Being a portion of Lot 8A & 9A, Block 4 of Handley Heights South Addition	0.337 Acres / Temporary Construction Easement

Improved Subject Property

Parcel No.	Legal Description	Acreage / Property Interest
47-PSE	Being a portion of Lot 8B & 9B, Block 4 of Handley Heights South Addition	0.049 Acres / Permanent Sewer Easement
47-TSE	Being a portion of Lot 8B & 9B, Block 4 of Handley Heights South Addition	0.036 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 0.666 acres in permanent sewer easements and 2.143 acres for temporary construction easements from improved property owned by Keith Kidwill and Samuel Gibbins. The property is needed for the Lake Arlington Lift Station and Force Main project, a public use that will construct public sewer improvements increasing conveyance capacity necessary to handle projected growth within the Village Creek Wastewater Basin. The property is located east of the intersection of East Loop 820 South and Berry Street, at 3501 South Cravens Road, 3400 Quail Road, and 6200 Dowdell Road, in Lots 1B 2B1 3B1 NPT 6 & 10B 11B 12B 13B 8A 8B 9A 9B, Block 4, and Lots 14A 15A & 16A, Block 6, Handley Heights Addition, in the 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 Wastewater Department Public Utility Department's W&S Capital Proj 2018 Fund for the purpose of funding the Lake Arlington, FM, LS & SS project, as appropriated.

This property is located in COUNCIL DISTRICT 5.

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 Proj 2018 Fund for the Lake Arlington, FM, LS and SS project to support the approval of the above recommendations and the purchase of the easements. Prior to any expenditure being incurred, the Water and Property Management Departments have the responsibility to validate the availability of funds.

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

Originating Business Unit Head: Marilyn Marvin 7708

Additional Information Contact: Jeremy Van Rite 2574