

City of Fort Worth, Texas

# Mayor and Council Communication

DATE: 04/09/24 M&C FILE NUMBER: M&C 24-0286

LOG NAME: 21CONDEMN 103078 P10 HOUSE STREET STORM DRAIN REHAB

SUBJECT

(CD 11) Adopt Resolution Authorizing Condemnation by Eminent Domain to Acquire 0.032 Acres in Permanent Drainage Easement from Real Property Owned by Juan Armando Gallardo, Located at 4911 Hampshire Boulevard in the Tandy & Wakefield Addition, Block 1, Lot 37, Tarrant County, Texas, for the House Street Storm Drain Rehabilitation Project

RECOMMENDATION:

It is recommended that the City Council:

1. Declare that negotiations between the City of Fort Worth and the property owner to acquire 0.032 acres in permanent drainage easement from real property owned by Juan Armando Gallardo, located at 4911 Hampshire Boulevard in the Tandy & Wakefield Addition, Block 1, Lot 37, Tarrant County, Texas, were unsuccessful due to the lack of response from the property owner;
2. Declare the necessity to acquire the described property interest for the House Street Storm Drain Rehabilitation project (City Project No. 103078);
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 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 rehabilitation of an existing storm drain pipe that runs through the rear of the residential lots from Hampshire Blvd to Panola Ave for the House Street Storm Drain Rehabilitation project (City Project No. 103078).

An independent appraisal established fair market value for the property interest (shown below) in the total amount of \$5,471.00. Negotiations were unsuccessful due to the lack of response from the property owner.

Upon approval, a condemnation action will be brought and a Special Commissioners hearing held to acquire the easement interest on the property.

Parcel No.	Legal Description	Acreage / Property Interest
10	Tandy & Wakefield Addition, Block 1, Lot 37, Tarrant County, Texas	0.032 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 0.032 acres in permanent drainage easement from real property owned by Juan Armando Gallardo. The subject property is located at 4911 Hampshire Boulevard in the Tandy & Wakefield Addition, Block 1, Lot 37, Tarrant County, Texas. The property rights in the subject property are needed to repair an existing storm drain pipe that runs through the rear of the residential lots from Hampshire Blvd to Panola Ave for the House Street Storm Drain Rehabilitation project (City Project No. 103078). 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 Stormwater Rev Bonds 2020 Fund for the TPW Dept Highway & Streets Department for the purpose of funding the House Street Storm Drain Rehab project, as appropriated.

This property is located in COUNCIL DISTRICT 11.

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 Stormwater Rev Bonds 2020 Fund for the House Street Storm Drain Rehab project to support the approval of the above recommendations and acquisition of the easement. Prior to any expenditure being incurred, the Transportation and Public Works and Property Management Departments have the

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