



Legislation Text

File #: 24-533, Version: 1

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: March 27, 2024

COUNCIL DISTRICT(S): 7

DEPARTMENT: Water Utilities Department

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize **(1)** the second step of acquisition for condemnation by eminent domain to acquire a total of approximately 20 acres from Stephens Pipe Houston, LLC, improved with a multi-building, manufacturing and storage facility, located on Forest Avenue near its intersection with Botham Jean Boulevard for the Dallas Floodway Extension Project; and **(2)** an increase in appropriations in an amount not to exceed \$2,125,079.20 in the Trinity River Corridor Project Fund - Not to exceed \$2,125,079.20 (\$2,113,700.00, plus closing costs and title expenses not to exceed \$11,379.20) - Financing: Trinity Corridor Project Fund (subject to appropriations)

BACKGROUND

The City of Dallas is the owner and operator of the Dallas Levee System extending from the Elm and West Forks of the Trinity River through the main stem and terminating at IH20. This system is regulated by the U.S. Army Corps of Engineers (USACE). In addition to regulating the Dallas Levee System, the USACE and the City have been cost participating in two separate federal projects to improve the public safety of the residents and businesses that are served by this system. The City is required to own, in fee simple, all parcels related to the Dallas Levee System.

In July 2018, the Dallas Levee System flood risk management projects included in the Modified Dallas Floodway Project (DF) and the Dallas Floodway Extension (DFE) were authorized for funding under the Supplemental Appropriation in the Bipartisan Budget Act of 2018- Public Law 115-123 (PL-115-123). This information has been presented to the City Council and provided in memorandum to the City Council at major milestones since the notification by the USACE. All work associated with the design and construction of these improvements is being performed by USACE with the City serving as a technical advisor and client. An overview of the projects, federal funding and associated local requirements included in PL 115-123 are as follows:

- DFE: Up to \$135.25M for Lamar Levee and Cadillac Heights Levee.
- The City is obligated to expend funds to complete necessary real estate activities such as acquisition, relocation and environmental remediation and public utility relocation; acquisition funds

are potentially eligible for reimbursement in the future.

- DF: \$261.9M for approved flood risk management such as levee raises and flattening, removal of ATSF Bridge, Trinity Portland Pump Station, Charlie Pump Station, Delta Pump Station Rehabilitation, Hampton Pump Station and Nobles Sump Improvements.

- The City is obligated to expend funds on 35 percent of the design and construction and environmental remediation and public utility relocation; the real estate funds are credits against the cost share for the project.

This acquisition is for a property necessary for the construction of the Lamar Levee and will be used for flood control efforts associated with the Dallas Floodway Extension Project.

This item authorizes the second step of acquisition for condemnation by eminent domain to acquire approximately 20 acres of land. This property is improved with a multi-building, manufacturing, and storage facility. An offer was presented to the property owner on June 14, 2023 in the amount of \$2,113,700.00, based upon an independent appraisal. The City's offer was declined. Negotiations between the City and the property owner are ongoing and to date, no amicable agreement has been reached.

This first resolution approved on January 24, 2024, by Resolution No. 24-0192, authorized the purchase in the amount of \$2,113,700, based upon an independent appraisal. This property will be used for flood control associated with the Dallas Floodway Extension project.

Future relocation assistance may be necessary for this acquisition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 24, 2024, the City Council authorized an acquisition from Stephens Pipe Houston, LLC of two tracts of land containing a total of approximately 20 acres, improved with a multi-building, manufacturing and storage facility, located on Forest Avenue near its intersection with Botham Jean Boulevard for the Dallas Floodway Extension Project, by Resolution No. 24-0192.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Trinity Corridor Project Fund	\$2,125,079.20	\$0.00	\$0.00

OWNER

Stephens Pipe Houston, LLC

Terry Stephens, Manager

MAP

Attached