



Legislation Details (With Text)

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File created: 2/26/2024 **In control:** Department of Public Works

On agenda: 3/27/2024 **Final action:**

Title: Authorize (1) deposit of the amount awarded by the Special Commissioners in the condemnation proceedings styled City of Dallas v. Jose Juan Morales and Diana Corina Villalobos, et al., Cause No. CC-22-03843-C, pending in Dallas County Court at Law No. 3, to acquire fee simple title of approximately 6,360 square feet of land located near the intersection of Dolphin Road and Detonte Street for the Dolphin Road from Spring Avenue to North Haskell Avenue Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the awarded amount - Not to exceed \$67,692.00 \$32,957.00, increased from \$34,735.00 (\$32,043.00, plus closing costs and title expenses not to exceed \$2,692.00) to \$67,692.00 (\$65,000.00 being the award, plus closing costs and title expenses not to exceed \$2,692.00) - Financing: Capital Projects Reimbursement Fund (\$54,153.60 \$26,365.60) and Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$13,538.40 \$6,591.40)

Sponsors:

Indexes: 7

Code sections:

Attachments: 1. Map, 2. Resolution, 3. Exhibit A

Date	Ver.	Action By	Action	Result
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STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: March 27, 2024

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Public Works

EXECUTIVE: Dr. Robert Perez

SUBJECT

Authorize (1) deposit of the amount awarded by the Special Commissioners in the condemnation proceedings styled City of Dallas v. Jose Juan Morales and Diana Corina Villalobos, et al., Cause No. CC-22-03843-C, pending in Dallas County Court at Law No. 3, to acquire fee simple title of approximately 6,360 square feet of land located near the intersection of Dolphin Road and Detonte Street for the Dolphin Road from Spring Avenue to North Haskell Avenue Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the awarded amount - Not to exceed ~~\$67,692.00~~ \$32,957.00, increased from \$34,735.00 (\$32,043.00, plus closing costs and title expenses not to exceed \$2,692.00) to \$67,692.00 (\$65,000.00 being the award, plus closing costs and title expenses not to exceed \$2,692.00) - Financing: Capital Projects Reimbursement Fund (~~\$54,153.60~~ \$26,365.60) and Street and Transportation (A) Fund (2017 General Obligation Bond

Fund) (~~\$13,538.40~~ \$6,591.40)

BACKGROUND

On January 27, 2021, the City Council authorized the acquisition of this property by Resolution No. 21-0224; and on April 13, 2022, the City Council authorized acquisition through the use of condemnation by Resolution No. 22-0589. The property owner was offered \$32,043.00, plus closing cost and title expenses not to exceed \$2,692.00, which was based on a written appraisal from an independent appraiser. The property owner of record refused offer and the City filed an eminent domain proceeding to acquire the property. After a hearing on December 5, 2023, the Special Commissioners awarded the property owner \$65,000.00. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$32,957.00 more than the City Council originally authorized for this acquisition.

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 27, 2021, the City Council authorized acquisition from Jose Juan Morales and Diana Corina Villalobos, of approximately 6,360 square feet of land located near the intersection of Dolphin Road and Detonte Street for the Dolphin Road from Spring Avenue to North Haskell Avenue Project by Resolution No. 21-0224.

On April 13, 2022, the City Council authorized acquisition through the use of condemnation by eminent domain to acquire from Jose J. Morales and Diana Corina Villalobos, approximately 6,360 square feet of land, located near the intersection of Dolphin Road and Detonte Street for the Dolphin Road from Spring Avenue to North Haskell Avenue Project by Resolution No. 22-0589.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Street and Transportation (A) Fund	\$13,538.40 <u>\$6,591.40</u>	\$0.00	\$0.00
Capital Projects Reimbursement Fund	\$54,153.60 <u>\$26,365.60</u>	\$0.00	\$0.00
Total	\$67,692.00 <u>\$32,957.00</u>	\$0.00	\$0.00

Resolution No. 22-0589	\$34,735.00
Additional Amount (this action)	<u>\$32,957.00</u>
Total Authorized Amount	\$67,692.00

OWNERS

Jose Juan Morales

Diana Villalobos

MAP

Attached