



Legislation Details (With Text)

File #: 23-533 **Version:** 1 **Name:**

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File created: 2/7/2023 **In control:** Water Utilities Department

On agenda: 3/8/2023 **Final action:**

Title: Authorize the (1) deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled CITY OF DALLAS VS. LONG HUYNH, et al., Cause No. CC-21-04653-D, pending in Dallas County Court at Law No. 4, for acquisition from Long Huynh, of approximately 115,531 square feet of land, located on Kiest Boulevard at its intersection with McGowan Street for the Dallas Floodway Extension Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$551,057.00 (\$547,057.00, plus closing costs and title expenses not to exceed \$4,000.00) - Financing: Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)

Sponsors:

Indexes: 4

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 8, 2023

COUNCIL DISTRICT(S): 4

DEPARTMENT: Water Utilities Department

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize the (1) deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled CITY OF DALLAS VS. LONG HUYNH, et al., Cause No. CC-21-04653-D, pending in Dallas County Court at Law No. 4, for acquisition from Long Huynh, of approximately 115,531 square feet of land, located on Kiest Boulevard at its intersection with McGowan Street for the Dallas Floodway Extension Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$551,057.00 (\$547,057.00, plus closing costs and title expenses not to exceed \$4,000.00) - Financing: Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)

BACKGROUND

On August 11, 2021, the City Council authorized the acquisition of this property by Resolution No. 21-

1273. The property owner was offered \$359,271.00, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer. On September 22, 2021, the City Council authorized a condemnation proceeding, by Resolution No. 21-1604 and the City filed an eminent domain proceeding to acquire the property. After a hearing before the Special Commissioners on November 01, 2022, the property owner was awarded \$547,057.00. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$187,786.00 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.

Future relocation assistance may be necessary for this acquisition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 11, 2021, City Council authorized an acquisition from Long Huynh and Kimyen Huynh of an unimproved tract of land containing approximately 115,531 square feet located on Kiest Boulevard at its intersection with McGowan Street for the Dallas Floodway Extension Project by Resolution No. 21-1273.

On September 22, 2021, City Council authorized the second step of acquisition for condemnation by eminent domain to acquire an unimproved tract of land containing approximately 115,531 square feet, from Long Huynh and Kimyen Huynh, on Kiest Boulevard at its intersection with McGowan Street for the Dallas Floodway Extension Project by Resolution No. 21-1604.

FISCAL INFORMATION

Fund	FY 2023	FY 2024	Future Years
Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)	\$551,057.00	\$0.00	\$0.00

OWNER

Long Hunyh and Kimyen Hunyh

MAP

Attached