



Legislation Details (With Text)

File #: 21-2137 **Version:** 1 **Name:**
Type: CONSENT AGENDA **Status:** Approved
File created: 10/27/2021 **In control:** Department of Public Works
On agenda: 12/8/2021 **Final action:**

Title: Authorize settlement in lieu of proceeding further with condemnation proceedings styled City of Dallas v. Market Center Boulevard, LLC, et al., Cause No. CC-20-02627-E, pending in Dallas County Court at Law No. 5, to acquire approximately 2,724 square feet of land in Dallas County for the Lower Eastbank Interceptor Project - Not to exceed \$170,610.00 increased from \$132,390.00 (\$129,390.00 being the award, plus closing costs and title expenses not to exceed \$3,000.00) to \$303,000.00 (\$300,000.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Wastewater Capital Improvement F Fund

Sponsors:

Indexes: 6

Code sections:

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

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: December 8, 2021

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize settlement in lieu of proceeding further with condemnation proceedings styled City of Dallas v. Market Center Boulevard, LLC, et al., Cause No. CC-20-02627-E, pending in Dallas County Court at Law No. 5, to acquire approximately 2,724 square feet of land in Dallas County for the Lower Eastbank Interceptor Project - Not to exceed \$170,610.00 increased from \$132,390.00 (\$129,390.00 being the award, plus closing costs and title expenses not to exceed \$3,000.00) to \$303,000.00 (\$300,000.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Wastewater Capital Improvement F Fund

BACKGROUND

This item authorizes a settlement in lieu of proceeding further with condemnation proceedings styled City of Dallas v. Market Center Boulevard, LLC, et al., Cause No. CC-20-02627-E, pending in Dallas County Court at Law No. 5, for the acquisition of a tract of land containing approximately 2,724

square feet of land in Dallas County for the Lower Eastbank Interceptor Project. This settlement will allow acquisition of the property without further condemnation proceedings.

This property will be used for the construction of approximately 7,700 LF of a 104-inch diameter wastewater main and two 72-inch diameter wastewater mains. The consideration is based on an independent appraisal. No relocation benefits are associated with this acquisition. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 11, 2019, City Council authorized acquisition from Market Center Boulevard, LLC, of approximately 2,724 square feet of land located in Dallas County for the Lower Eastbank Interceptor Project by Resolution No. 19-1395.

On February 12, 2020, City Council authorized acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Market Center Boulevard, LLC, of land containing approximately 2,724 square feet of land located in Dallas County for the Lower Eastbank Interceptor Project by Resolution No. 20-0281.

On January 27, 2021, City Council authorized the deposit of a Special Commissioners' Award and Settlement of a condemnation proceeding from Market Center Boulevard LLC, of land containing approximately 2,724 square feet of land located in Dallas County for the Lower Eastbank Interceptor Project by Resolution No. 21-0229.

FISCAL INFORMATION

| Fund | FY 2022 | FY 2023 | Future Years |
|---------------------------------------|--------------|---------|--------------|
| Wastewater Capital Improvement F Fund | \$170,610.00 | \$0.00 | \$0.00 |

| | |
|-----------------------------------|--|
| Resolution Nos. 19-1395 & 20-0281 | \$114,684.00 |
| Resolution No. 21-0229 | \$132,390.00 (\$114,684 Increased an Additional \$17,706.00) |
| Additional Amount (this action) | <u>\$170,610.00</u> |
| Total Authorized Amount | \$303,000.00 |

OWNER

Market Center Boulevard, LLC

Peter Von Gontard

Andrew Von Gontard

Alexander Von Gontard

Adalbert Von Gontard III

Adalbert Von Gontard IV

MAP

Attached