



Legislation Details (With Text)

File #: 24-18 **Version:** 1 **Name:**
Type: CONSENT AGENDA **Status:** Approved
File created: 12/5/2023 **In control:** Water Utilities Department
On agenda: 1/10/2024 **Final action:**

Title: Authorize the deposit of the amount awarded by the Special Commissioners in condemnation proceeding styled CITY OF DALLAS VS. Byrd B. Fisher, et al., Cause No. CC-23-04111-E, pending in Dallas County Court at Law No. 5, for acquisition from sand and gravel rights to approximately 43 acres of land, from the heirs of Byrd B. Fisher and husband W.W. Fisher, Ballard Y. Burgher, W.L. Burgher, Cedric Burgher, Laura B. Atwell and husband Webster Atwell, and Robert S. Burgher, located on Canada Drive near its intersection at North Hampton Road and will be used for the Dallas Floodway Project - Not to exceed \$4,500.00 (No closing costs or title expenses) - Financing: Flood Protection and Storm Drainage Facilities Fund

Sponsors:

Indexes: 6

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: January 10, 2024

COUNCIL DISTRICT(S): 6

DEPARTMENT: Water Utilities Department

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize the deposit of the amount awarded by the Special Commissioners in condemnation proceeding styled CITY OF DALLAS VS. Byrd B. Fisher, et al., Cause No. CC-23-04111-E, pending in Dallas County Court at Law No. 5, for acquisition from sand and gravel rights to approximately 43 acres of land, from the heirs of Byrd B. Fisher and husband W.W. Fisher, Ballard Y. Burgher, W.L. Burgher, Cedric Burgher, Laura B. Atwell and husband Webster Atwell, and Robert S. Burgher, located on Canada Drive near its intersection at North Hampton Road and will be used for the Dallas Floodway Project - Not to exceed \$4,500.00 (No closing costs or title expenses) - Financing: Flood Protection and Storm Drainage Facilities Fund

BACKGROUND

On January 11, 2023, the City Council authorized the acquisition of this property, by Resolution No. 23-0133. On March 8, 2023, the City Council authorized a condemnation proceeding, by Resolution

No. 23-0402 and the City filed an eminent domain proceeding to acquire the property. After a hearing before the Special Commissioners on November 27, 2023, the heirs were awarded \$4,500.00. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$189.00 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 January 11, 2023, the City Council authorized an acquisition from heirs of Byrd B. Fisher and husband W.W. Fisher, Ballard Y. Burgher, W.L. Burgher, Cedric Burgher, Laura B. Atwell and husband Webster Atwell, and Robert S. Burgher, for the purpose of acquiring sand and gravel rights to approximately 43 acres of land for the Dallas Floodway Project by Resolution No. 23-0133.

On March 8, 2023, the City Council authorized the second step of acquisition for condemnation by eminent domain to acquire sand and gravel rights to approximately 43 acres of land, from the Heirs of Byrd B. Fisher and husband W.W. Fisher, Ballard Y. Burgher, W.L. Burgher, Cedric Burgher, Laura B. Atwell and husband Webster Atwell, and Robert S. Burgher, located on Canada Drive near its intersection at North Hampton Road for the Dallas Floodway Project by Resolution No. 23-0402.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Flood Protection and Storm Drainage Facilities Fund	\$4,500.00	\$0.00	\$0.00

OWNERS

Heirs of Byrd B. Fisher and husband W.W. Fisher

Ballard Y. Burgher

W.L. Burgher

Cedric Burgher

Laura B. Atwell and husband Webster Atwell

Robert S. Burgher

MAP

Attached