



Legislation Details (With Text)

File #: 24-1246 **Version:** 1 **Name:**

Type: CONSENT AGENDA **Status:** Approved

File created: 4/2/2024 **In control:** Department of Public Works

On agenda: 4/24/2024 **Final action:**

Title: Authorize settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. Keller Springs Estates, Ltd., et al., Cause No. CC-23-01590-B, pending in County Court at Law, for acquisition of a wastewater easement from Keller Springs Estates, Ltd., et al., of approximately 43,509 square feet of land for a right-of-way located in Dallas County, Texas for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed \$86,058.00, increased from \$233,942.00 (\$228,442.00, plus closing costs and title expenses not to exceed \$5,500.00) to \$320,000.00 (\$300,000.00 being the settlement amount, plus closing costs and title expenses not to exceed \$20,000.00) - Financing: Wastewater Construction Fund

Sponsors:

Indexes: 11

Code sections:

Attachments: 1. Map, 2. Resolution

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

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: April 24, 2024

COUNCIL DISTRICT(S): 11

DEPARTMENT: Department of Public Works

EXECUTIVE: Dr. Robert Perez

SUBJECT

Authorize settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. Keller Springs Estates, Ltd., et al., Cause No. CC-23-01590-B, pending in County Court at Law, for acquisition of a wastewater easement from Keller Springs Estates, Ltd., et al., of approximately 43,509 square feet of land for a right-of-way located in Dallas County, Texas for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed \$86,058.00, increased from \$233,942.00 (\$228,442.00, plus closing costs and title expenses not to exceed \$5,500.00) to \$320,000.00 (\$300,000.00 being the settlement amount, plus closing costs and title expenses not to exceed \$20,000.00) - Financing: Wastewater Construction Fund

BACKGROUND

On June 26, 2019, the City Council authorized the purchase of acquiring real property and authorizing its purchase for public use in the amount of \$233,942.00, based on an independent

appraisal and inclusive of title and closing costs by Resolution No. 19-0991. The owner rejected the official offer, and the City Attorney filed the condemnation proceeding for the acquisition of the property for the project.

The City of Dallas and the property owner reached an amount to settle the lawsuit based on independent appraisals and further negotiations.

This item authorizes settlement for the acquisition of a wastewater easement of approximately 43,509 square feet of land for a right-of-way located in Dallas County, Texas for the McKamy and Osage Branch Wastewater Interceptor Project. This settlement will allow acquisition of the property without further condemnation proceedings.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 26, 2019, the City Council authorized the acquisition from Keller Springs Estate, Ltd., for 43,509 square feet of land located in Dallas County, near the intersection of Keller Springs and Preston Roads, for the McKamy and Osage Branch Wastewater Interceptor Project by Resolution No. 19-0991.

On March 24, 2021, the City Council authorized the condemnation for the acquisition of real property from Keller Springs Estates, Ltd., for 43,509 square feet of land located in Dallas County, near the intersection of Preston and Keller Springs Roads, for the McKamy and Osage Branch Wastewater Interceptor Project by Resolution No. 21-0529.

FISCAL INFORMATION

| Fund | FY 2024 | FY 2025 | Future Years |
|------------------------------|-------------|---------|--------------|
| Wastewater Construction Fund | \$86,058.00 | \$0.00 | \$0.00 |

| | |
|---------------------------------|---------------------|
| Resolution No. 21-0529 | \$233,942.00 |
| Additional Amount (this action) | <u>\$ 86,058.00</u> |
| Total Authorized Amount | \$320,000.00 |

OWNER

Keller Spring Estates, Ltd., et al.

James Stephen Dieb, President

MAPS

Attached