



Legislation Text

File #: 22-2190, Version: 1

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: October 26, 2022

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. JEFFREY RAY BISHOP AND MARK FLANERY, et al., Cause No. CC-22-00892-E, pending in Dallas County Court at Law No. 5, for acquisition from Jeffrey Ray Bishop and Mark Flanery, of approximately 342,106 square feet of land, located on Rector Street near its intersection with East Kiest Boulevard for the Dallas Floodway Extension Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$9,548,000.00 (\$9,500,000.00, plus closing costs and title expenses not to exceed \$48,000.00) - Financing: Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds) (\$5,401,996.00) and Trinity River Corridor Fund (1998 General Obligation Bond Funds) (\$4,146,004.00)

BACKGROUND

On November 10, 2021, City Council authorized the acquisition of this property by Resolution No. 21-1844. The property owner was offered \$4,120,004.00, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer.

On January 12, 2022, City Council authorized a condemnation proceeding by Resolution No. 22-0167 and the City filed an eminent domain proceeding to acquire the property. After a hearing before the Special Commissioners on September 8, 2022, the property owner was awarded \$9,500,000.00. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$5,379,996.00 more than the City Council originally authorized for this acquisition, plus closing cost and title expenses not to exceed \$26,000.00.

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 November 10, 2021, City Council authorized an acquisition from Jeffrey Ray Bishop and Mark Flanery of a tract of land containing approximately 342,106 square feet, improved with commercial structures and supporting facilities, located on Rector Street near its intersection with East Kiest Boulevard for the Dallas Floodway Extension Project by Resolution No. 21-1844.

On January 12, 2022, City Council authorized the second step of acquisition for condemnation by eminent domain to acquire a tract of land containing approximately 342,106 square feet, from Jeffrey Ray Bishop and Mark Flanery, located on Rector Street near its intersection with East Kiest Boulevard for the Dallas Floodway Extension Project by Resolution No. 22-0167.

FISCAL INFORMATION

Fund	FY 2023	FY 2023	Future Years
Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)	\$5,401,996.00	\$0.00	\$0.00
Trinity River Corridor Fund (1998 General Obligation Bond Funds)	\$4,146,004.00	\$0.00	\$0.00
Total	\$9,548,000.00	\$0.00	\$0.00

OWNERS

Jeffrey Ray Bishop

Mark Flanery

MAP

Attached