



## Legislation Text

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File #: 22-2276, Version: 1

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**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** October 26, 2022

**COUNCIL DISTRICT(S):** 4

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled CITY OF DALLAS VS. MARCO SORTO, et al., Cause No. CC-22-01269-C, pending in Dallas County Court at Law No. 3, for acquisition from Marco Sorto, of two tracts of land containing approximately 10,579 square feet, improved with a single-family residence located on Alex Street near its intersection with Childers 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 \$178,000.00 (\$175,000.00, plus closing costs and title expenses not to exceed \$3,000.00) - Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)

### **BACKGROUND**

On December 08, 2021, City Council authorized the acquisition of this property by Resolution No. 21-2007. The property owner was offered \$71,040.00, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer.

On January 26, 2022, City Council authorized a condemnation proceeding by Resolution No. 22-0262 and the City filed an eminent domain proceeding to acquire the property. After a hearing before the Special Commissioners on August 05, 2022, the property owner was awarded \$175,000.00. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$103,960.00 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 December 08, 2021, City Council authorized the acquisition from Marco Sorto of two tracts of land containing approximately 10,579 square feet, improved with a single-family residence, located on Alex Street near its intersection with Childers Street for the Dallas Floodway Extension Project by Resolution No. 21-2007.

On January 26, 2022, City Council authorized the second step of acquisition for condemnation by eminent domain to acquire two tracts of land containing approximately 10,579 square feet, improved with a single-family residence, from Marco Sorto, located on Alex Street near its intersection with Childers Street for the Dallas Floodway Extension Project by Resolution No. 22-0262.

**FISCAL INFORMATION**

| Fund   | FY 2023      | FY 2024 | Future Years |
|--|--------------|---------|--------------|
| Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds) | \$178,000.00 | \$0.00  | \$0.00       |

**OWNER**

Marco Sorto

**MAP**

Attached