



Legislation Text

File #: 24-1347, **Version:** 1

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 22, 2024

COUNCIL DISTRICT(S): 4

DEPARTMENT: Water Utilities Department

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled CITY OF DALLAS VS. ONE MORRELL LLC, et al., Cause No. CC-23-02112-C, pending in Dallas County Court at Law No. 3, for acquisition from One Morrell, LLC of a tract of land containing approximately 206,362 square feet, improved with commercial structures and supporting facilities, located on Morrell Avenue near its intersection with Sargent Road for the Dallas Floodway Extension Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$4,473,000.00 (\$4,450,000.00, plus closing costs and title expenses not to exceed \$23,000.00) - Financing: Stormwater Drainage Management Capital Construction Fund (\$1,492,597.87), Flood Protection and Storm Drainage Facilities Fund (\$2,560,673.30), and Trinity River Corridor Project Fund (\$419,728.83)

BACKGROUND

On May 11, 2022, the City Council authorized the acquisition of this property, by Resolution No. 22-0737. The property owner was offered \$4,135,174.00, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer.

On October 26, 2022, the City Council authorized a condemnation proceeding, by Resolution No. 22-1627 and the City filed an eminent domain proceeding to acquire the property. After a hearing before the Special Commissioners on February 27, 2024, the property owner was awarded \$4,450,000.00. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$314,826.00 more than the \$4,158,174.00 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 May 11, 2022, the City Council authorized an acquisition from One Morrell, LLC of a tract of land containing approximately 206,362 square feet, improved with commercial structures and supporting facilities, located on Morrell Avenue near its intersection with Sargent Road for the Dallas Floodway Extension Project by Resolution No. 22-0737.

On October 26, 2022, the City Council authorized the second step of acquisition for condemnation by eminent domain to acquire a tract of land containing approximately 206,362 square feet, from One Morrell, LLC, located on Morrell Avenue near its intersection with Sargent Road for the Dallas Floodway Extension Project by Resolution No. 22-1627.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Stormwater Drainage Management Capital Construction Fund	\$1,492,597.87	\$0.00	\$0.00
Flood Protection and Storm Drainage Facilities Fund	\$2,560,673.30	\$0.00	\$0.00
Trinity River Corridor Project Fund	\$ 419,728.83	\$0.00	\$0.00
Total	\$4,473,000.00	\$0.00	\$0.00

OWNER

One Morrell, LLC

Eyal Gabbay, Director

MAP

Attached