



Legislation Text

File #: 23-2539, Version: 1

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: October 25, 2023

COUNCIL DISTRICT(S): 4

DEPARTMENT: Water Utilities Department

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize **(1)** a settlement of a condemnation proceeding styled CITY OF DALLAS VS. MAINLAND LAND & EQUIPMENT CO., A NEBRASKA CORPORATION, et al., Cause No. CC-21-00536-E, pending in Dallas County Court at Law No. 5, for acquisition from Mainland Land & Equipment Co., of an improved tract of land containing a total of approximately 11.755 acres located Sargent Road near its intersection with Morrell Avenue for the Dallas Floodway Extension Project; and **(2)** an increase in appropriations in an amount not to exceed \$1,190,000.00 in the Trinity River Corridor fund - Not to exceed \$1,190,000.00, increased from \$320,000.00 to \$1,510,000.00 (\$1,500,000.00, plus closing costs not to exceed \$10,000.00) - Financing: Trinity River Corridor Project Fund

BACKGROUND

This item authorizes settlement of a condemnation proceeding styled CITY OF DALLAS VS. MAINLAND LAND & EQUIPMENT CO., A NEBRASKA CORPORATION, et al., Cause No. CC-21-00536-E, pending in Dallas County Court at Law No. 5, for acquisition from Mainland Land & Equipment Co., of an improved tract of land containing a total of approximately 11.755 acres located Sargent Road near its intersection with Morrell Avenue for the Dallas Floodway Extension Project and will be used for the Dallas Floodway Extension Project. The consideration is based on an independent appraisal. Future relocation assistance may be necessary for this acquisition.

On September 23, 2020, the City Council authorized the acquisition of this property, by Resolution No. 20-1472. The property owner was offered \$10.00, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer. On November 11, 2020, the City Council authorized a condemnation proceeding, by Resolution No. 20-1822 and the City filed an eminent domain proceeding to acquire the property. On January 26, 2022, the City Council authorized the deposit of the Special Commissioners' award. This item authorizes the settlement of a condemnation proceeding for the property, which is \$1,180,000.00 more than the City Council originally authorized for this acquisition, plus additional closing costs and title expenses not to exceed \$10,000.00.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 23, 2020, the City Council authorized an acquisition from Daniel Ghebreyohannes and Candace Capital, LLC of an improved tract of land containing approximately 11.755 acres located on Sargent Road near its intersection with Morrell Avenue for the Dallas Floodway Extension Project, by Resolution No. 20-1472.

On November 11, 2020, the City Council authorized the second step of acquisition for condemnation by eminent domain to acquire an improved tract of land containing approximately 11.755 acres, from Daniel Ghebreyohannes and Candace Capital, LLC, located on Sargent Road near its intersection with Morrell Avenue for the Dallas Floodway Extension Project, by Resolution No. 20-1822.

On January 26, 2022, the City Council authorized the (1) deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled CITY OF DALLAS VS. MAINLAND LAND & EQUIPMENT CO., A NEBRASKA CORPORATION, et al., Cause No. CC-21-00536-E, pending in Dallas County Court at Law No. 5, for acquisition from Mainland Land & Equipment Co., of an improved tract of land containing a total of approximately 11.755 acres located Sargent Road near its intersection with Morrell Avenue for the Dallas Floodway Extension Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award by Resolution No. 22-0254.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Trinity River Corridor Project Fund	\$1,190,000.00	\$0.00	\$0.00

Resolution No. 20-1472 \$ 1,510.00
Resolution No. 20-1822 \$ 1,510.00
Resolution No. 22-0254 \$ 323,000.00
Additional Amount

OWNER

Mainland Land & Equipment Co.

MAP

Attached