



Legislation Text

File #: 22-174, Version: 1

STRATEGIC PRIORITY: Environmental & Sustainability

AGENDA DATE: January 26, 2022

COUNCIL DISTRICT(S): 4

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize 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 - Not to exceed \$323,000.00 - Trinity River Corridor Project Fund (1998 General Obligation Bond Funds) (\$320,000.00, plus closing costs and title expenses not to exceed \$3,000.00)

BACKGROUND

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. After a hearing before the Special Commissioners on December 13, 2021, the property owner was awarded \$320,000.00. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$318,490.00 more than the City Council originally authorized for this acquisition, plus additional closing costs and title expenses not to exceed \$1,500.00.

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 September 23, 2020, City Council authorized an acquisition from Nebraska Corporation by Resolution No. 20-1472.

On November 11, 2020, City Council authorized a condemnation proceeding by Resolution No. 20-1822.

~~City Council was briefed by memorandum regarding this matter on January 21, 2022.~~

FISCAL INFORMATION

Fund	FY 2022	FY 2022	Future Years
Trinity River Corridor Project Fund (1998 General Obligation Bond Funds)	\$323,000.00	\$0.00	\$0.00

OWNER

Mainland Land & Equipment Co.

Virgil D. Anderson, Chief Executive Officer

MAP

Attached