



## Legislation Text

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File #: 21-1058, Version: 1

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 9, 2021

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

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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. TONY GARCIA ROGERS, et al., Cause No. CC-20-05405-D, pending in Dallas County Court at Law No. 4, for acquisition from Tony Garcia Rogers, of an improved tract of land containing a total of approximately 4.41 acres located at the west terminus of Mexicana Road for the Dallas Floodway Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$139,917.00, increased from \$114,583.00 (\$111,083.00, plus closing cost and title expenses not to exceed \$3,500.00) to \$254,500.00 (\$250,000.00, plus closing costs and title expenses not to exceed \$4,500.00) - Financing: Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Fund)

### BACKGROUND

On September 23, 2020, the City Council authorized the acquisition of this property, by Resolution No. 20-1473. The property owner was offered \$111,083.00, 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. 20-1823 and the City filed an eminent domain proceeding to acquire the property. After a hearing before the Special Commissioners on May 21, 2021, the property owner was awarded \$250,000.00. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$138,917.00 more than the City Council originally authorized for this acquisition, plus closing costs and title expenses not to exceed \$4,500.00.

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.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 23, 2020, City Council authorized the acquisition from Tony Garcia Rogers of an improved tract of land containing approximately 4.41 acres located at the west terminus of Mexicana Road for the Dallas Floodway Extension Project by Resolution No. 20-1473.

On November 11, 2020, City Council the second step of acquisition for condemnation by eminent domain to acquire an improved tract of land containing approximately 4.410 acres, from Tony Garcia Rogers, located at the west terminus of Mexicana Road for the Dallas Floodway Extension Project by Resolution No. 20-1823.

**FISCAL INFORMATION**

Fund	FY 2021	FY 2022	Future Years
Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Fund)	\$139,917.00	\$0.00	\$0.00

**OWNER**

Tony Garcia Rogers

**MAP**

Attached