



## Legislation Text

---

File #: 22-2097, Version: 1

---

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** October 26, 2022

**COUNCIL DISTRICT(S):** 4

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Kimberly Bizer Tolbert

---

### **SUBJECT**

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled CITY OF DALLAS VS. DALLAS H.B.M. III L.L.C., A TEXAS LIMITED LIABILITY COMPANY, et al., Cause No. CC-22-01267-B, pending in Dallas County Court at Law No. 2, for acquisition from Dallas H.B.M. III L.L.C., a Texas Limited Liability Company, et al., of an improved tract of land containing a total of approximately 263,495 square feet located on East Kiest Boulevard at its intersection with Rector 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 \$4,085,723.00 (\$4,061,888.00, plus closing costs and title expenses not to exceed \$23,835.00) - Financing: Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds) (\$3,025,971.41) and Trinity River Corridor Fund (1998 General Obligation Bond Funds) (\$1,059,751.59)

### **BACKGROUND**

On December 8, 2021, City Council authorized the acquisition of this property by Resolution No. 21-2006. The property owner was offered \$959,374.00, 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. 22-0261 and the City filed an eminent domain proceeding to acquire the property. After a hearing before the Special Commissioners on August 9, 2022, the property owner was awarded \$4,061,888.00. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$3,126,349.00 more than the City Council originally authorized for this acquisition, plus additional closing costs and title expenses not to exceed \$23,835.00.

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 December 8, 2021, City Council authorized an acquisition from Dallas H.B.M. III, L.L.C. of a tract of land containing approximately 263,495 square feet, improved with an automotive salvage yard and associated site improvements, located on E. Kiest Boulevard at its intersection with Rector Street for the Dallas Floodway Extension Project by Resolution No. 21-2006.

On January 26, 2022, City Council authorized the second step of acquisition for condemnation by eminent domain to acquire a tract of land containing approximately 263,495 square feet, improved with an automotive salvage yard and associated site improvements, from Dallas H.B.M. III, L.L.C., located on E. Kiest Boulevard at its intersection with Rector Street for the Dallas Floodway Extension Project by Resolution No. 22-0261.

**FISCAL INFORMATION**

| Fund   | FY 2023            | FY 2024 | Future Years |
|--|--------------------|---------|--------------|
| Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds) | \$3,025,971.4<br>1 | \$0.00  | \$0.00       |
| Trinity River Corridor Fund (1998 General Obligation Bond Funds)                         | \$1,059,751.5<br>9 | \$0.00  | \$0.00       |
| Total  | \$4,085,723.0<br>0 | \$0.00  | \$0.00       |

**OWNER**

Dallas H.B.M. III, L.L.C.

H.B. Moody III, Manager

**MAP**

Attached