



## Legislation Details (With Text)

**File #:** 21-1549      **Version:** 1      **Name:**

**Type:** CONSENT AGENDA      **Status:** Approved

**File created:** 8/12/2021      **In control:** Water Utilities Department

**On agenda:** 9/22/2021      **Final action:**

**Title:** Authorize the (1) deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled CITY OF DALLAS VS. IC PROPERTIES II, LLC, A TEXAS LIMITED LIABILITY COMPANY, et al., Cause No. CC-21-00968-B, pending in Dallas County Court at Law No. 1, for acquisition from IC Properties II, LLC, of two unimproved tracts of land containing a total of approximately 116,798 square feet located near the intersection of Jefferson Boulevard Viaduct and Colorado Boulevard East for the Dallas Floodway Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$5,659,425.00, increased from \$2,098,430.00 (\$2,081,430.00, plus closing costs and title expenses not to exceed \$17,000.00) to \$7,757,855.00 (\$7,719,855.00, plus closing costs and title expenses not to exceed \$38,000.00) - Financing: Trinity River Corridor Fund (1998 General Obligation Bond Fund) (\$5,621,425.00) and the Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Fund) (\$38,000.00)

**Sponsors:**

**Indexes:** 6

**Code sections:**

**Attachments:** 1. Maps, 2. Resolution

Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** September 22, 2021

**COUNCIL DISTRICT(S):** 6

**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. IC PROPERTIES II, LLC, A TEXAS LIMITED LIABILITY COMPANY, et al., Cause No. CC-21-00968-B, pending in Dallas County Court at Law No. 1, for acquisition from IC Properties II, LLC, of two unimproved tracts of land containing a total of approximately 116,798 square feet located near the intersection of Jefferson Boulevard Viaduct and Colorado Boulevard East for the Dallas Floodway Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$5,659,425.00, increased from \$2,098,430.00 (\$2,081,430.00, plus closing costs and title expenses not to exceed \$17,000.00) to \$7,757,855.00 (\$7,719,855.00, plus closing costs and title expenses not to exceed \$38,000.00) -

Financing: Trinity River Corridor Fund (1998 General Obligation Bond Fund) (\$5,621,425.00) and the Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Fund) (\$38,000.00)

## **BACKGROUND**

On January 13, 2021, City Council authorized the acquisition of this property, by Resolution Nos. 21-0157 and 21-0158. The property owner was offered \$2,081,430.00, which was based on written appraisals from independent certified appraisers. The property owner did not accept the offer. On February 24, 2021, the City Council authorized a condemnation proceeding, by Resolution Nos. 21-0437 and 21-0438 and the City filed an eminent domain proceeding to acquire the property. After a hearing before the Special Commissioners on July 9, 2021, the property owner was awarded \$7,719,855.00. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$5,638,425.00 more than the City Council originally authorized for this acquisition, plus closing costs and title expenses not to exceed \$38,000.00.

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 January 13, 2021, City Council authorized acquisition from IC Properties II, LLC of an unimproved tract of land containing approximately 74,872 square feet near the intersection of Jefferson Boulevard Viaduct and East Colorado Boulevard for the Dallas Floodway Project by Resolution No. 21-0157.

On January 13, 2021, City Council acquisition from IC Properties II, LLC of an unimproved tract of land containing approximately 41,926 square feet near the intersection of Jefferson Boulevard Viaduct and East Colorado Boulevard for the Dallas Floodway Project by Resolution No. 21-0158.

On February 24, 2021, City Council authorized the second step of acquisition for condemnation by eminent domain to acquire an unimproved tract of land containing approximately 41,926 square feet from IC Properties II, LLC, located near the intersection of Jefferson Boulevard Viaduct and Colorado Boulevard East for the Dallas Floodway Project by Resolution No. 21-0437.

On February 24, 2021, City Council authorized the second step of acquisition for condemnation by eminent domain to acquire an unimproved tract of land containing approximately 74,872 square feet from IC Properties II, LLC, located near the intersection of Jefferson Boulevard Viaduct and Colorado Boulevard East for the Dallas Floodway Project by Resolution No. 21-0438.

City Council was briefed by memorandum regarding this matter on September 17, 2021.

## **FISCAL INFORMATION**

Fund	FY 2021	FY 2022	Future Years
Trinity River Corridor Fund (1998 General Obligation Bond Fund)	\$5,621,425.00	\$0.00	\$0.00

Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Fund)	\$ 38,000.00	\$0.00	\$0.00
Total	\$5,659,425.00	\$0.00	\$0.00

**OWNERS**

**IC Properties II, LLC**

CI OPPORTUNITY FUND IV LP, Managing Member

CI Opportunity Fund IV GP, LLC, General Partner

HSGP LLC, Managing Member

Phillip Wise, Managing Member

**MAPS**

Attached