



## Legislation Details (With Text)

**File #:** 21-2134      **Version:** 1      **Name:**  
**Type:** CONSENT AGENDA      **Status:** Approved  
**File created:** 10/27/2021      **In control:** Department of Public Works  
**On agenda:** 12/8/2021      **Final action:**  
**Title:** Authorize settlement in lieu of proceeding further with the condemnation proceedings styled City of Dallas v. Clams Casino LLC, et al., Cause No. CC-20-02647-A, pending in Dallas County Court at Law No. 1, to acquire a tract of land containing approximately 2,257 square feet of land in Dallas County for the Lower Eastbank Interceptor Project - Not to exceed \$65,500.00 increased from \$177,000.00 (\$172,000.00, plus closing costs and title expenses not to exceed \$5,000.00) to \$242,500.00 (\$237,500.00, plus closing costs and title expenses not to exceed \$5,000.00) - Financing: Wastewater Capital Improvement F Fund

**Sponsors:**

**Indexes:** 6

**Code sections:**

**Attachments:** 1. Map, 2. Resolution, 3. Exhibit A

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

**AGENDA DATE:** December 8, 2021

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

### SUBJECT

Authorize settlement in lieu of proceeding further with the condemnation proceedings styled City of Dallas v. Clams Casino LLC, et al., Cause No. CC-20-02647-A, pending in Dallas County Court at Law No. 1, to acquire a tract of land containing approximately 2,257 square feet of land in Dallas County for the Lower Eastbank Interceptor Project - Not to exceed \$65,500.00 increased from \$177,000.00 (\$172,000.00, plus closing costs and title expenses not to exceed \$5,000.00) to \$242,500.00 (\$237,500.00, plus closing costs and title expenses not to exceed \$5,000.00) - Financing: Wastewater Capital Improvement F Fund

### BACKGROUND

This item authorizes a settlement in lieu of proceeding further with the condemnation proceedings styled City of Dallas v. Clams Casino LLC, et al., Cause No. CC-20-02647-A, pending in Dallas County Court at Law No. 1, to acquire a tract of land containing approximately 2,257 square feet of

land in Dallas County for the Lower Eastbank Interceptor Project. This settlement will allow acquisition of the property without further condemnation proceedings.

This property will be used for the construction of approximately 7,700 LF of a 104-inch diameter wastewater main and two 72-inch diameter wastewater mains. The consideration is based on an independent appraisal. No relocation benefits are associated with this acquisition. The consideration is based on an independent appraisal.

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

On September 11, 2019, City Council authorized acquisition from Clams Casino LLC, of approximately 2,257 square feet of land located in Dallas County for the Lower Eastbank Interceptor Project by Resolution No. 19-1394.

On February 12, 2020, City Council authorized acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Clams Casino LLC, of land containing approximately 2,257 square feet and approximately 14,167 square feet of land located in Dallas County for the Lower Eastbank Interceptor Project by Resolution No. 20-0280.

On December 9, 2020, City Council authorized the deposit of a Special Commissioners' Award and Settlement of a condemnation proceeding from Clams Casino LLC, of land containing approximately 2,257 square feet of land located in Dallas County for the Lower Eastbank Interceptor Project by Resolution No. 20-1942.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Wastewater Capital Improvement F Fund	\$65,500.00	\$0.00	\$0.00

Resolution No. 19-1394 \$104,565.00

Resolution No. 20-1942 \$ 72,435.00

Additional Amount (this action) \$ 65,500.00

Total Authorized Amount \$242,500.00

### **OWNER**

**Clams Casino, LLC**

Heidar Pasha, Owner

### **MAP**

Attached