



## Legislation Text

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**File #:** 20-2028, **Version:** 1

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

**AGENDA DATE:** November 11, 2020

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize 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 - Not to exceed \$114,583.00 (\$111,083.00, plus closing costs and title expenses not to exceed \$3,500) - Financing: Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)

### **BACKGROUND**

In July 2018, the Dallas Levee System flood risk management projects included in the Modified Dallas Floodway Project (DF) and the Dallas Floodway Extension (DFE) were authorized for funding under the Supplemental Appropriation in the Bipartisan Budget Act of 2018- Public Law 115-123 (PL-115-123). This information has been presented to the City Council and provided in memorandum to the City Council at major milestones since the notification by the USACE. All work associated with the design and construction of these improvements is being performed by USACE with the City serving as a technical advisor and client. An overview of the projects, federal funding and associated local requirements included in PL 115-123 are as follows:

- DFE: Up to \$135.25M for Lamar Levee and Cadillac Heights Levee.
- City is obligated to expend funds to complete necessary real estate activities such as acquisition, relocation and environmental remediation and public utility relocation; acquisition funds are potentially eligible for reimbursement in the future.
- DF: \$261.9M for approved flood risk management such as levee raises and flattening, removal of ATSF Bridge, Trinity Portland Pump Station, Charlie Pump Station, Delta Pump Station Rehabilitation, Hampton Pump Station and Nobles Sump Improvements.
- City is obligated to expend funds on 35 percent of the design and construction and environmental remediation and public utility relocation; the real estate funds are credits against the cost share for the project.

This acquisition is for a property necessary for the construction of the Trinity Portland Pump Station at the west terminus of Mexicana Road as part of the Dallas Floodway Project.

This item authorizes the second step of acquisition for condemnation by eminent domain to acquire approximately 4.41 acres of land. This property is improved with a single- family residence that is currently unoccupied. An offer was presented to the property owner on September 29, 2020 reflecting the appraised value of \$111,083.00 and the City's offer was declined. Negotiations between the City and the property owner are ongoing and to date, no amicable agreement has been reached.

The first resolution approved on September 23, 2020, by Resolution No. 20-1473, authorized the purchase in the amount of \$111,083.00, based upon an independent appraisal. This property will be used for flood control associated with the Dallas Floodway Project.

Future relocation assistance may be necessary for this acquisition.

**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.

**FISCAL INFORMATION**

Fund	FY 2021	FY 2022	Future Years
Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds	\$114,583.00	\$0.00	\$0.00

**OWNER**

Tony Garcia Rogers

**MAP**

Attached