



Legislation Text

File #: 20-2367, Version: 1

STRATEGIC PRIORITY: Economic and Neighborhood Vitality
AGENDA DATE: December 9, 2020
COUNCIL DISTRICT(S): 6
DEPARTMENT: City Attorney's Office
EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in 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 total of approximately 2,257 square feet of land in Dallas County for the Lower Eastbank Interceptor Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$72,435.00, increased from \$104,565.00 (\$101,565.00, plus closing costs and title expenses not to exceed \$3,000.00) to \$177,000.00 (\$172,000.00 being the award, plus closing costs and title expenses not to exceed \$5,000.00) - Financing: Wastewater Utilities Capital Construction Fund

BACKGROUND

On September 11, 2019, City Council authorized the acquisition of this property by Resolution No. 19-1394 and on February 12, 2020, City Council authorized acquisition through the use of condemnation by Resolution No. 20-0280. The property owner was offered \$101,565.00, which includes closing costs and title expenses not to exceed \$3,000.00, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing on November 19, 2020, the Special Commissioners awarded the property owner \$172,000.00.

This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$72,435.00 more than the City Council originally authorized for this acquisition.

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 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.

City Council will be briefed by memorandum regarding this matter on December 4, 2020.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Wastewater Utilities Capital Construction Fund	\$72,435.00	\$0.00	\$0.00

Resolution Nos. 19-1394 and 20-0280	\$104,565.00
Additional Amount (this action)	<u>\$ 72,435.00</u>
Total Authorized Amount	\$177,000.00

OWNER

Clams Casino, LLC

Pasha K. Heidari, President

MAP

Attached