



Legislation Text

File #: 21-1561, **Version:** 1

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: September 22, 2021
COUNCIL DISTRICT(S): 4
DEPARTMENT: Water Utilities Department
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize the second step of acquisition for condemnation by eminent domain to acquire an unimproved tract of land containing approximately 287,786 square feet, from Southerland 37, LLC, located on East Kiest Boulevard at its intersection with Southerland Avenue for the Dallas Floodway Extension Project - Not to exceed \$147,893.00 (\$143,893.00 plus closing costs and title expenses not to exceed \$4,000.00) - Financing: Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Fund)

BACKGROUND

The City of Dallas is the owner and operator of the Dallas Levee System extending from the Elm and West Forks of the Trinity River through the main stem and terminating at Interstate Highway 20. This system is regulated by the U.S. Army Corps of Engineers (USACE). In addition to regulating the Dallas Levee System, the USACE and City have been cost participating in two separate federal projects to improve the public safety of the residents and businesses that are served by this system. The City is required to own, in fee simple, all parcels related to the Dallas Levee System.

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 Cadillac Levee as part of the Dallas Floodway Extension Project.

This item authorizes the second step of acquisition for condemnation by eminent domain to acquire approximately 287,786 square feet of unimproved land. An offer was presented to the property owner on August 16, 2021 reflecting the appraised value of \$143,893.00 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 August 11, 2021, by Resolution No. 21-1274, authorized the purchase in the amount of \$143,893.00, based upon an independent appraisal. This property will be used for flood control associated with the Dallas Floodway Extension Project.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 12, 2015, City Council authorized reprogramming the remaining bond funds from the 1998 Bond Proposition 11 from the Trinity Lakes and Trinity Parkway to other flood control improvement consistent with the bond proposition approved by the voters by Resolution No. 15-1486.

[The Mobility Solutions, Infrastructure and Sustainability Committee was briefed by memorandum regarding the projects and requirements related to the U.S. Army Corps of Engineers Supplemental Bi- Partisan Budget Act of 2018 \(PL 115-123\) on April 22, 2019.](https://dallascityhall.com/government/Council%20Meeting%20Documents/msis_5_supplemental-appropriation-in-the-bipartisan-budget-act-of-2018-update-on-flood-risk-management-projects_memo_042219.pdf)

[<https://dallascityhall.com/government/Council%20Meeting%20Documents/msis_5_supplemental-appropriation-in-the-bipartisan-budget-act-of-2018-update-on-flood-risk-management-projects_memo_042219.pdf>](https://dallascityhall.com/government/Council%20Meeting%20Documents/msis_5_supplemental-appropriation-in-the-bipartisan-budget-act-of-2018-update-on-flood-risk-management-projects_memo_042219.pdf)

On August 11, 2021, City Council authorized acquisition of an unimproved tract of land containing approximately 287,786 square feet located on East Kiest Boulevard at its intersection with Southerland Avenue for the Dallas Floodway Extension Project by Resolution No. 21-1274.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Fund)	\$147,893.00	\$0.00	\$0.00

OWNER

Southerland 37, LLC

Mark Cuban, President

MAP

Attached