



## Legislation Text

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**File #:** 23-531, **Version:** 1

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**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** March 8, 2023

**COUNCIL DISTRICT(S):** 4

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled CITY OF DALLAS VS. SORAB MIRAKI, et al., Cause No. CC-21-05360-D, pending in Dallas County Court at Law No. 4, for acquisition from Sorab Miraki, of approximately 29,185 square feet of land, located on Morrell Avenue at its intersection with Sargent Road for the Dallas Floodway Extension Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$303,000.00 (\$300,000.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)

### **BACKGROUND**

On August 25, 2021, City Council authorized the acquisition of this property, by Resolution No. 21-1392. The property owner was offered \$126,724.00, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer. On October 27, 2021, City Council authorized a condemnation proceeding by Resolution No. 21-1777 and the City filed an eminent domain proceeding to acquire the property. After a hearing before the Special Commissioners on November 7, 2022, the property owner was awarded \$300,000.00. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$170,276.00 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.

Future relocation assistance may be necessary for this acquisition.

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

On August 25, 2021, City Council authorized an acquisition from Dal Chrome Company, and Sorab Miraki, as his interest may appear of an unimproved tract of land containing approximately 29,185 square feet located on Morrell Avenue at its intersection with Sargent Road for the Dallas Floodway Extension Project by Resolution No. 21-1392.

On October 27, 2021, City Council authorized the second step of acquisition for condemnation by eminent domain to acquire an unimproved tract of land containing approximately 29,185 square feet, from Sorab Miraki, located on Morrell Avenue at its intersection with Sargent Road for the Dallas Floodway Extension Project by Resolution No. 21-1777.

**FISCAL INFORMATION**

Fund	FY 2023	FY 2024	Future Years
Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)	\$303,000.00	\$0.00	\$0.00

**OWNER**

Sorab Miraki

**MAP**

Attached