



Legislation Text

File #: 23-532, Version: 1

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: March 8, 2023

COUNCIL DISTRICT(S): 4

DEPARTMENT: Water Utilities Department

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize acquisition from Dallas Independent School District of a tract of land containing approximately 168,546 square feet, improved with an industrial warehouse and associated site improvements, located on East Kiest Boulevard at its intersection with Rector Street for the Dallas Floodway Extension Project - Not to exceed \$369,233.00, increased from \$4,204,767.00 (\$4,183,267.00, plus closing costs and title expenses not to exceed \$21,500.00) to \$4,574,000.00, (\$4,550,000.00, plus closing costs and title expenses not to exceed \$24,000.00) - Financing: Trinity River Corridor Project Fund (1998 General Obligation Bond Funds) (\$3,713,909.00) and Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds) (\$860,091.00)

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 United States 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 Atchison, Topeka and Santa Fe 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 item authorizes the acquisition of approximately 168,546 square feet of land, improved with an industrial warehouse and associated site improvements, from Dallas Independent School District. The property is located on East Kiest Boulevard at its intersection with Rector Street and will be used for the Dallas Floodway Extension Project. The consideration is based on an independent appraisal in the amount of \$4,183,267.00 presented to the property owner and that amount subsequently negotiated between the property owner and City staff. The negotiated amount of \$4,550,000.00 is considered appropriate as the actual costs of potential condemnation proceedings combined with the potential for an award by Special Commissioners or a Jury in excess of this settlement amount may very possibly exceed this negotiated settlement. Additionally, delays to the project caused by the additional time necessary for condemnation proceedings may cause the project to incur costs far outweighing the additional negotiated amount. The USACE, the City's partner in this project, has authorized the City to negotiate settlements in this manner.

Future relocation assistance may be necessary for this acquisition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 26, 2022, City Council authorized an acquisition from Dallas Independent School District of a tract of land containing approximately 168,546 square feet, improved with an industrial warehouse and associated site improvements, located on East Kiest Boulevard at its intersection with Rector Street for the Dallas Floodway Extension Project by Resolution No. 22-0252.

FISCAL INFORMATION

Fund	FY 2023	FY 2024	Future Years
Trinity River Corridor Project Fund (1998 General Obligation Bond Funds)	\$3,713,909.00	\$0.00	\$0.00
Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)	\$860,091.00	\$0.00	\$0.00
Total	\$4,574,000.00	\$0.00	\$0.00

OWNER

Dallas Independent School District

Ben J. Mackey, President of Board of Trustees

MAP

Attached