



Legislation Text

File #: 23-527, **Version:** 1

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: March 8, 2023

COUNCIL DISTRICT(S): 6

DEPARTMENT: Water Utilities Department

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize the second step of acquisition for condemnation by eminent domain to acquire sand and gravel rights to approximately 43 acres of land, from the Heirs of Byrd B. Fisher and husband W.W. Fisher, Ballard Y. Burgher, W.L. Burgher, Cedric Burgher, Laura B. Atwell and husband Webster Atwell, and Robert S. Burgher, located on Canada Drive near its intersection at North Hampton Road for the Dallas Floodway Project - Not to exceed \$4,311.00 - Financing: Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)

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 sand and gravel rights to approximately 43 acres of land. The City has not been able to establish contact with the property owners.

The first resolution approved on January 11, 2023, by Resolution No. 23-0133 authorized the purchase in the amount of \$4,311.00, 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 January 11, 2023, City Council authorized an acquisition from heirs of Byrd B. Fisher and husband W.W. Fisher, Ballard Y. Burgher, W.L. Burgher, Cedric Burgher, Laura B. Atwell and husband Webster Atwell, and Robert S. Burgher, for the purpose of acquiring sand and gravel rights to approximately 43 acres of land for the Dallas Floodway Project by Resolution No. 23-0133.

FISCAL INFORMATION

Fund	FY 2023	FY 2024	Future Years
Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)	\$4,311.00	\$0.00	\$0.00

OWNERS

Heirs of Byrd B. Fisher and husband W.W. Fisher

Ballard Y. Burgher

W.L. Burgher

Cedric Burgher

Laura B. Atwell and husband Webster Atwell

Robert S. Burgher

MAP

Attached