

# Memorandum



CITY OF DALLAS

DATE October 30, 2009

TO Trinity River Committee Members:  
David Neumann (Chair)  
Steve Salazar (Vice-Chair)  
Mayor Pro Tem Dwaine Caraway  
Deputy Mayor Pro Tem Pauline Medrano  
Carolyn R. Davis

Vonciel Jones Hill  
Delia Jasso  
Linda Koop

SUBJECT **Real Estate Services and Land Acquisition for the Trinity River Corridor Project**

At the November 3, 2009 Trinity River Corridor Project Committee Meeting, the attached briefing will be presented, which describes the process by which land is acquired for the Trinity River City Project. We will also provide you with an update on those properties which we expect to acquire in FY 2009-2010.

Please let me know if you have any additional questions.

A handwritten signature in black ink, appearing to read 'Jill Jordan'.

Jill A. Jordan, P.E.  
Assistant City Manager



**THE TRINITY**  
DALLAS

c: Honorable Mayor and Members of the City Council  
Mary K. Suhm, City Manager  
Ryan S. Evans, First Assistant City Manager  
A. C. Gonzalez, Assistant City Manager  
Forest E. Turner, Assistant City Manager  
David K. Cook, Chief Financial Officer  
Deborah A. Watkins, City Secretary  
Thomas P. Perkins, Jr., City Attorney  
Craig D. Kinton, City Auditor  
Judge C. Victor Lander  
Helena Stevens-Thompson, Asst. to the City Manager  
Frank Libro, Director, Public Information Office

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# Real Estate Services and Land Acquisition for the Trinity River Corridor Project

Trinity River Corridor Project Committee  
November 3, 2009



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# Real Estate Services - Initiation

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- **First Step – Determination of Need**
  - Acquisition must be Public Necessity
  - Request for Assistance memo forwarded to Real Estate Staff
- **Notice of Intent to Acquire sent to Owner, to include documentation:**
  - Texas Landowner's Bill of Rights
  - When a Public Agency Acquires your Property
- **Obtain contact information**
  - Timeframes vary
  - Some owners reluctant to provide to the condemning authority



# Real Estate Services – Due Diligence

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- Request Title Search (7-30 days)
- Survey requested/provided (7-30 days)
  - Survey reviewed and approved, corrections made
  - Timeframe dependent on property type
- RFP for Appraisal (5-15 days)
  - RFP from 3-6 appraisers
  - 2 appraisals required for property valued over \$500,000
- Appraisal (30-60 days)
  - Independent appraisal provides unbiased opinion of value
  - Appraisal review and confirmation of necessary information
  - Timeframe dependent on property type

***Note: Some of these steps may be done concurrently***



# Real Estate Services – Due Diligence

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- Request Environmental Site Analysis
  - Timeframe dependent on Recognized Environmental Conditions
  - Phase 1
    - Visual Inspection
    - Owner Interview
    - Records Research
  - Phase 2
    - Invasive Procedures (soil borings, analysis, etc.)



# Real Estate Services – Acquisition

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- Owner is presented offer in writing upon completion of due diligence
  - Every effort is made to meet with the Owner in person to present offer
- Discussion, negotiation and curative title work may be needed after presentation of offer
- Council Action
  - Resolution allows for amicable settlement and/or provides authorization to proceed with condemnation action
  - Does not imply owner's acceptance of offer



# Real Estate Services – Acquisition

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- Acceptance of Offer
  - Conveyance documents are sent to the City Attorney's Office for approval (est. 3 weeks)
  - Contingent on acceptable title
    - Heirship problems, no will
      - If heirship problems cannot be resolved, it could result in the need for eminent domain
    - Missing/unknown heirs
      - Likely results in eminent domain
    - Bad title, lack of proper conveyance documents
    - Bankruptcy Action
    - Divorce
  - Amicable closing, City takes ownership



# Real Estate Services – Acquisition

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- Rejection of Offer
  - Upon Council Approval, official offer is made to inform the owner:
    - Council action has been taken
    - 10 days to respond to offer
  - If offer is rejected, memo to proceed with condemnation process sent to City Attorney's Office
  - City Attorney files Notice of Condemnation





# Real Estate Services – Acquisition

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- Eminent Domain/Condemnation
  - Court appoints 3 disinterested commissioners
    - Required by law to help eliminate unnecessary jury trials
    - Commissioners set hearing date & render award
    - Either side can accept or reject the award
  - If City accepts award:
    - City has the option to deposit the award with the court
    - City gains the right to possession of the property
      - If the property is improved, possession would be subject to receipt of relocation benefits to those who may be entitled
  - Regardless of whether the money is deposited, either side can appeal the Commissioner's Award and proceed to a Jury Trial
  - Estimated timeframe to process thru Eminent Domain
    - 6 mos.



# Real Estate Services – Acquisition

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- Communication with owner does not cease; in some cases an agreement is reached to avoid litigation
- Real Estate staff follows the case and provides background/supporting information and documentation to City Attorney
- If an Agreement is reached that is higher than the original Council Approved amount, staff must go back to Council for Settlement in Lieu of Condemnation



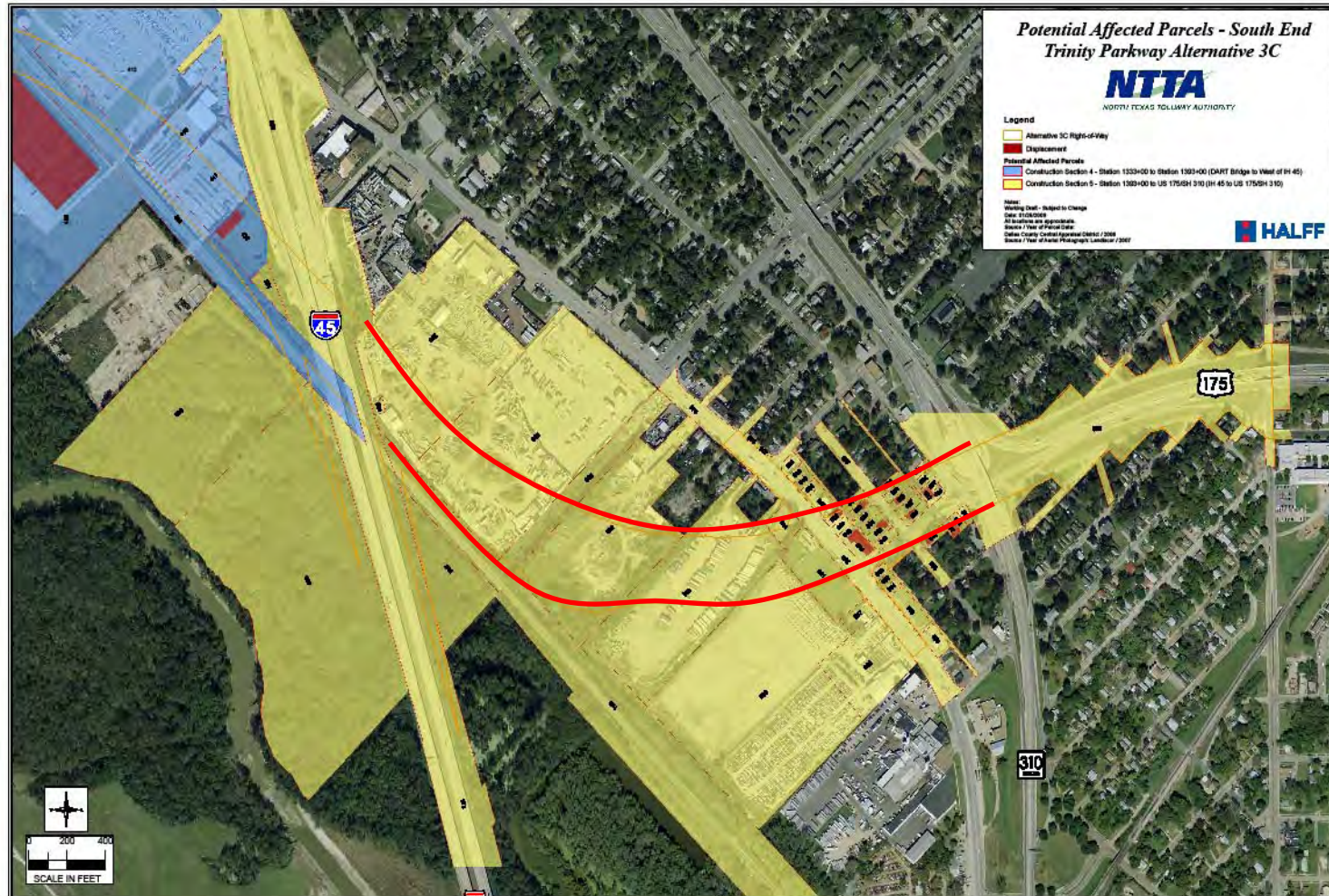
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# Property Acquisition for FY 09-10

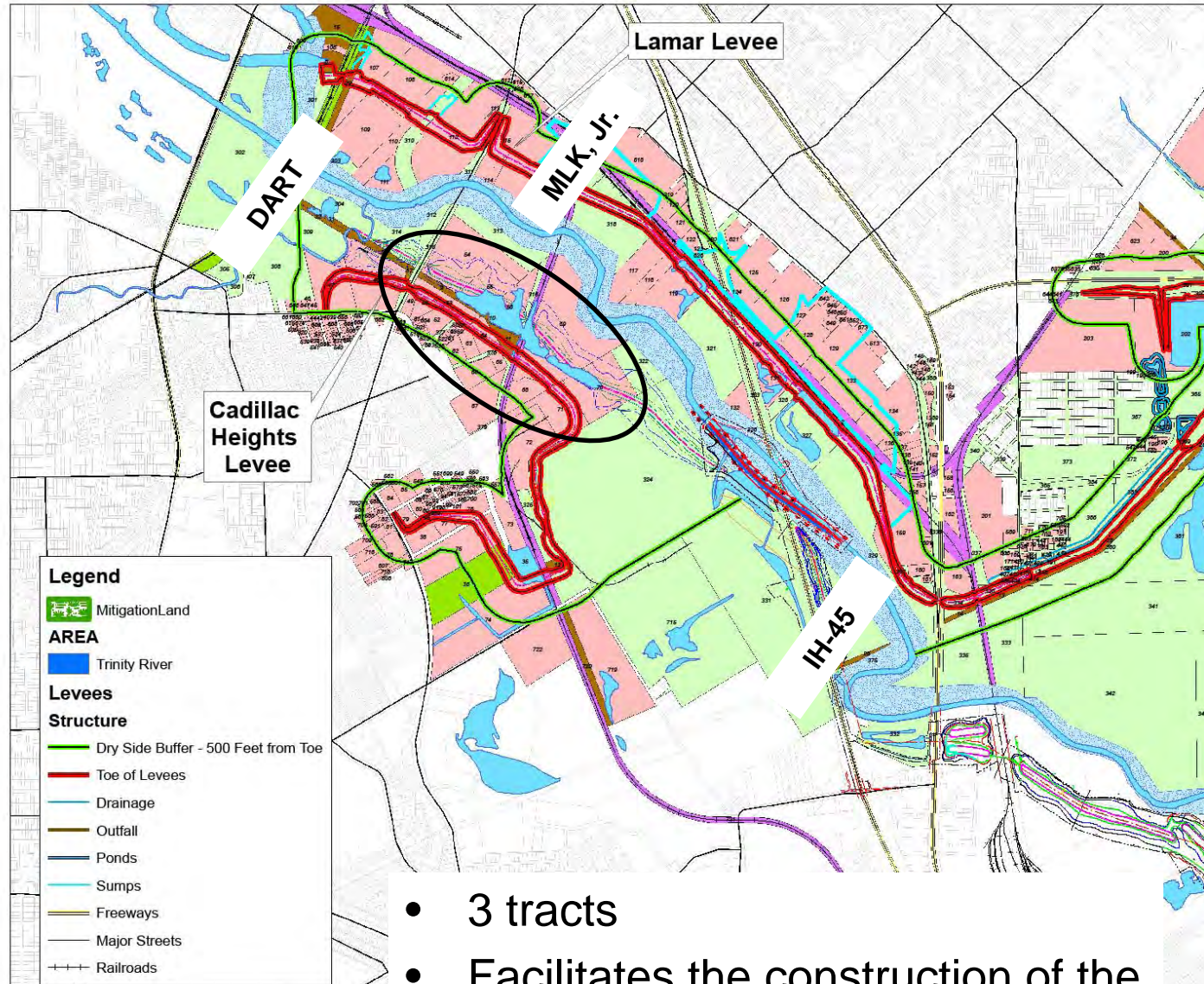


# Southern Terminus – Trinity Parkway

- 25 whole tracts
- 2 partial tracts
- Facilitates the construction of the southern terminus of Trinity Parkway, to further accelerate S.M. Wright Parkway



# Dallas Floodway Extension



- 3 tracts
- Facilitates the construction of the Lower Chain of Wetlands



1:12,000



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[www.trinityrivercorridor.org](http://www.trinityrivercorridor.org)

(214) 671-9500

