

A Resolution

NO. _____

A RESOLUTION DETERMINING THE NECESSITY FOR ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION OR CONDEMNATION FOR PUBLIC USE

WHEREAS, the Fort Worth City Council on _____, 20____, in M&C _____, ordered and decreed that a public necessity existed to acquire 5.2967 acres in right-of-way easement, 0.891 acres in permanent drainage easement, 0.6378 acres in permanent slope easement and 1.0085 acres for temporary construction easements from real property, located approximately 0.7 miles east of W. Cleburne Road and 0.1 miles west of Carson Ranch Road on the south side of N. Crowley Cleburne Road in the Moses Walters Survey, Abstract No. 1598, City of Fort Worth, Tarrant County, Texas, as described in the exhibits attached to the above-referenced M&C; those exhibits are incorporated herein for all purposes (the “Property”);

WHEREAS, the Fort Worth City Council has determined that:

- the Property is needed for McCart Avenue/McPherson Boulevard Project (the “Project”) that will extend McCart Avenue from Twin Leaf Drive to N. Crowley-Cleburne Road and McPherson Boulevard from Cleburne Road to the future McCart Avenue;
- the land rights in the Property are needed for new travel lanes, storm drainage improvements, sidewalks, and streetlights improvements;
- public necessity required the acquisition by condemnation of the Property, located within the alignment of the Project;
- the use of the Property will be a public use; and
- the Real Property Division of the Property Management Department is authorized to acquire by negotiation the Property needed for the Project.

WHEREAS, negotiations between the City of Fort Worth and the property owner, Meng Zhu-Shen, were unsuccessful due to the inability to reach a mutually agreed upon value for the property interests being acquired by the City of Fort Worth; and

WHEREAS, on this _____ day of _____, 20____, at a regular meeting of the Fort Worth City Council, upon Motion of Councilmember _____, to wit:

“I move that the Fort Worth City Council adopt the resolution authorizing use of the power of eminent domain to acquire 5.2967 acres in right-of-way easement, 0.891 acres in permanent drainage easement, 0.6378 acres in permanent slope easement and 1.0085 acres for temporary construction

easements from real property owned by Meng Zhu-Shen. The property is needed for the McCart Avenue/McPherson Boulevard Project, a public use that will extend McCart Avenue from Twin Leaf Drive to N. Crowley-Cleburne Road and McPherson Boulevard from Cleburne Road to the future McCart Avenue. The land rights in the subject property are needed for new travel lanes, storm drainage improvements, sidewalks, and streetlights as necessary. The property is located approximately 0.7 miles east of W. Cleburne Road and 0.1 miles west of Carson Ranch Road on the south side of N. Crowley Cleburne Road in the Moses Walters Survey, Abstract No. 1598, City of Fort Worth, Tarrant County, Texas. The property interests to be acquired are described by metes and bounds and depicted by survey exhibits attached to this Mayor and Council Communication.”

Seconded by _____, duly put and carried: RESOLUTION.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT:

The City of Fort Worth, Texas, is authorized to use the power of eminent domain to acquire the Property for the public use and inclusion in the Project; and

The City Attorney be and is hereby authorized and directed to file or cause to be filed, to spend all reasonable and necessary legal expenses, and to carry through to final judgment proceedings in eminent domain for the acquisition of the property interest listed above and attached to the M&C.

Adopted this _____ day of _____ 20____.

ATTEST:

By: _____
Mary Kayser, City Secretary