

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 a fee simple interest in approximately 9.406 acres from real property owned by NRCT Diamon Hill, LLC from real property located at 3601 Deen Road, Fort Worth, Tarrant County, Texas 76106 and Being Part of Lot 1, Block 1, Diamond Hill Townhomes Addition, Part of the S. Gilmore Survey, Abstract No. 580, 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 the Lebow Channel Mitigation Project (the “Project”);
- the land rights in the Property are needed for critical and high priority flood mitigation;
- 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 Estate 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, NRCT Diamon Hill, LLC, were unsuccessful due the inability to negotiate agreeable terms for the property interest 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 Council member _____, to wit:

“I move that the Fort Worth City Council adopt the resolution authorizing use of the power of eminent domain to acquire a fee simple interest in approximately 9.406 acres from real property owned by NRCT Diamon Hill, LLC. The property is needed to construct the Lebow Channel Mitigation Project (City Project No. 103061) for channel and culvert improvements at NE 36th Street in connection with the Upper Lebow flood mitigation improvements. The property is located at 3601 Deen Road, Fort Worth, Tarrant County, Texas 76106 and Being Part of Lot 1, Block 1, Diamond Hill Townhomes Addition, Part of the S. Gilmore Survey, Abstract No. 580, Tarrant County, Texas. The property interest

to be acquired is 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: _____
Jannette S. Goodall, City Secretary