

# A Resolution

NO. \_\_\_\_\_

## AUTHORIZING THE CITY ATTORNEY TO FILE PETITIONS FOR TEMPORARY INJUNCTIONS AGAINST MARK AND DAWN KAMPER; JEFFREY AND JENNIFER COOPER; HAL AND DENISE COLLINS, AND LAUREN MOTLEY

**WHEREAS**, the City of Fort Worth (the “City”) is in the design stage of constructing the Bonds Ranch LS A FM GM project (the “Project”). The construction of the proposed force main and gravity main connecting the sewer lines to an existing lift station is necessary to support planned development and utility service expansion in the Bonds Ranch area; and

**WHEREAS**, to complete the Project, the City must access the following properties (the “Properties”), in order to conduct surveying and other due diligence work:

Property Owner(s)	Property Address	Legal Description	Tarrant Appraisal District Account No.
Mark and Dawn Kamper	9412 Boat Club Road, Fort Worth, Tarrant County, Texas 76179	West Fork Addition, Block 1, Lot 22B1 & 23D	07355572
Jeffrey and Jennifer Cooper	9406 Boat Club Road, Fort Worth, Tarrant County, Texas 76179	West Fork Addition, Block 1, Lot 22B2 & 23C	07355580
Hal and Denise Collins	9392 Boat Club Road, Fort Worth, Tarrant County, Texas 76179	West Fork Addition, Block 1, Lot 23B	07355599
Lauren Motley	9400 Boat Club Road, Fort Worth, Tarrant County, Texas 76179	West Fork Addition, Block 1, Lot 23A1	05628695

**WHEREAS**, the City has repeatedly sought to coordinate its survey and due diligence activities with the owners of the Properties, by entering into a voluntary access agreement that would allow the City to conduct the due diligence activities it is entitled to conduct under the law; and

**WHEREAS**, efforts to obtain permission to enter the property in order to perform due diligence work have been unsuccessful thus preventing the City from completing the due diligence activities that need to be conducted in order for the Project to move forward; and

**WHEREAS**, the City’s failure to legally conduct survey and other due diligence work on the property places the ultimate design and construction of the Project in jeopardy; and

**WHEREAS**, because the City is vested with the power of eminent domain, the City is legally entitled to enter the property and conduct the due diligence activities necessary to successfully complete the Project; and

**WHEREAS**, pursuant to Section 65.011(1) of the Texas Civil Practice and Remedies Code, injunctive relief is appropriate when the applicant is entitled to the relief sought and such relief requires the restraining of some act prejudicial to the applicant. As a matter of law, the City is entitled to enter upon the property to conduct its due diligence, and the property owner(s) should be restrained from interfering with the City’s exercise of this legal right.

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

The City Council authorizes the City Attorney to file a Petition for Temporary Injunction against Mark and Dawn Kamper, the owners of 9412 Boat Club Road; Jeffrey and Jennifer Cooper, the owners of 9406 Boat Club Road; Hal and Denise Collins, the owners of 9392 Boat Club Road; and Lauren Motley, the owner of 9400 Boat Club Road, in order to preserve the status quo and to protect the City’s statutory right to access the property to conduct the survey and due diligence activities necessary to proceed with the Project.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

ATTEST:

By: \_\_\_\_\_  
Jannette S. Goodall, City Secretary