

# 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 99, 841 square feet of permanent water main easement rights and 186,211 square feet of temporary construction easement rights from real property as listed below.

SCHEDULE OF PROPERTIES AND OWNERS (referred to herein as “Schedule.”):

<b>OWNER</b>	<b>PROPERTY INTEREST/LEGAL DESCRIPTION/PROPERTY ADDRESS</b>	<b>OFFER</b>
<b>ADG Capital Holdings, LTD (Parcels 17 PWME, 18 TEC)</b>	<b>A permanent water main easement of approximately 7,961 square feet and a temporary construction easement of approximately 47,575 square feet being a portion of land out of the Memphis, El Paso &amp; Pacific Railroad Co. Survey, Abstract No. 1109, City of Fort Worth, Tarrant County, Texas, otherwise known as 2701 Peden Road, City of Fort Worth, Tarrant County Texas and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.</b>	<b>\$60,730.00</b>
<b>VLMC, Inc. (Parcels 40 PWME, 41 TCE)</b>	<b>A permanent water main easement of approximately 9,150 square feet and 11,032 square feet, a temporary construction easement being a portion of land out of the William E. Conwell Survey, Abstract No. 342, City of Fort Worth, Tarrant County, Texas, otherwise known as an unknown address Boat Club Road, further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.</b>	<b>\$30,515.00</b>
<b>Jean Longspaugh (Parcels PWME 42, TCE 43)</b>	<b>A permanent water main easement of approximately 8,118 square feet and a temporary construction easement of approximately 12,181 square feet being a portion of Tract 2, out of the William E. Conwell Survey, Abstract No. 342, City of Fort Worth, Tarrant County Texas, otherwise known as 6984 Boat Club Road and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.</b>	<b>\$42,216.00</b>
<b>Jerry Longspaugh, Theodore Bucaj and</b>	<b>A permanent water main easement of approximately 1,216 square feet and a temporary construction easement of approximately 1,819 square feet being a portion of land out of the William E. Conwill Survey,</b>	<b>\$7,774.00</b>

<b>Josephine Bucaj (Parcels 44 PWME, 45 TCE)</b>	<b>Abstract No. 342, City of Fort Worth, Tarrant County, Texas, otherwise known as 6984 Boat Club Road and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.</b>	
<b>VLMC, Inc. (Parcels 46 PWME, 47 TCE)</b>	<b>A permanent water main easement of approximately 19,579 square feet and a temporary construction easement of approximately 27,271 square feet being a portion of land out of the A.S. Roberts Survey, Abstract No. 1262, City of Fort Worth, Tarrant County, Texas, otherwise known as Boat Club Road and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.</b>	<b>\$68,596.00</b>
<b>Villages of Eagle Mountain Owners Association (Parcels 48 PWME, 49 TCE)</b>	<b>A permanent water main easement of approximately 11,400 square feet and a temporary construction easement of approximately 17,099 square feet and being Lot 1X, Block 8 Villages of Eagle Mountain, an addition in the City of Fort Worth, Tarrant County, Texas, otherwise known as 6357 Eagle Pier Way and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.</b>	<b>\$72,958.00</b>
<b>We Buy Land, LLC  (Parcels 53 PWME, 54 TCE)</b>	<b>A permanent water main easement of approximately 42,417 square feet and a temporary construction easement of approximately 69,234 square feet, and being Lot 1, Block 1, of the Paul Krause Addition, an addition to the City of Fort Worth, Tarrant County, Texas, otherwise known as 7350 Lake Country Drive and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.</b>	<b>\$73,381.00</b>

The Necessary property interest are 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 Northside III 54-inch Water Transmission Main. Phase 1 Project (the “Project”);
- the land rights in the Property are needed to move potable water from the Eagle Mountain water treatment plant to the City’s retail customers in north Fort Worth as well as wholesale water customers that border the northern city limits. Timely Completion of this project is necessary to improve the City’s water system reliability and support continued growth. in North Fort Worth;
- 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 owners, listed above , have been unsuccessful due to 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 Councilmember \_\_\_\_\_, to wit:

“I move that the Fort Worth City Council adopt the resolution authorizing the use of the power of eminent domain to acquire the following:

7,961 square feet of permanent water main easement rights and 47,575 square feet of temporary construction easement rights owned by ADG Capital Holdings, LTD, owners of property located at 2701 Peden Road, City of Fort Worth, Tarrant County, Texas, situated in the Memphis, El Paso & Pacific Railroad Co. Survey, Abstract No. 1109, City of Fort Worth, Tarrant County, Texas; and

9,150 square feet of permanent water main easement rights and 11,032 square feet of temporary construction easement rights owned by VLMC, Inc., owners of property located on the western line of Boat Club Road, south of Robertson Road, City of Fort Worth, Tarrant County, Texas, and situated in the William E. Conwell Survey, Abstract No. 346, City of Fort Worth, Tarrant County, Texas; and

8,118 square feet of permanent water main easement rights and 12,181 square feet of temporary construction easement rights owned Jean Longspaugh, owner of property located at 6984 Boat Club Road, City of Fort Worth, Tarrant County, Texas, and being a portion of Tract 2, out of the William E. Conwell Survey, Abstract No. 342, City of Fort Worth, Tarrant County, Texas; and

1,216 square feet of permanent water main easement rights and 1,819 square feet of temporary construction easement rights owned by Jerry Longspaugh, Theadore Bucaj and Josephine Bucaj, owners of property located at 6984 Boat Club Road, Tarrant County, Texas, situated in the William E, Conwell Survey, Abstract No. 342, City of Fort Worth, Tarrant County, Texas; and

19,579 square feet of permanent water main easement rights and 27,271 square feet of temporary construction easement rights owned by VLMC, Inc., owners of property located on the northern line of Robertson Road, east of Boat Club Road, City of Fort Worth, Tarrant County, Texas, and being a portion of the A.S. Roberts Survey, Abstract No. 1262, City of Fort Worth, Tarrant County, Texas; and

11,400 square feet of square feet of permanent water main easement rights and 17,099 square feet of temporary construction easement rights owned by Villages of Eagle Mountain Owners Association, owners of property located at 6357 Eagle Pier Way, City of Fort Worth, Tarrant County, Texas, and being Lot 1X, Block 8 Villages of Eagle Mountain, an addition in the City of Fort Worth, Tarrant County, Texas; and

42,417 square feet of permanent water main easement rights and 69,234 square feet of temporary construction easement rights owned by Webuyland, LLC, owners of property located at 7350 Lake Country Drive, City of Fort Worth, Tarrant County, Texas, and being Lot 1, Block 1, of the Paul Krause Addition, an addition to the City of Fort Worth, Tarrant County, Texas.

The Property is necessary for the Northside III 54-inch Water Transmission Main, Phase 1 project that will move potable water from the Eagle Mountain Water Treatment Plant to our retail customers in north Fort Worth as well as wholesale water customers that border our northern city limits. The Property interest to be acquired is described by metes and bounds and depicted by survey exhibits attached to this Mayor and Council Communication. The first record vote applies to all units of property to be condemned and the minutes shall reflect that the first vote applies to all units."

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