

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 308,122 square feet of permanent water main easement rights and 178,013 square feet of temporary construction easement rights from real property as listed below.

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

OWNER	PROPERTY INTEREST/LEGAL DESCRIPTION/PROPERTY ADDRESS	OFFER
John M. Bonds (Parcels 01A, 01B, 01C, 03A, 03B)	A permanent water facility easement of approximately 49,941 square feet and 22,817 square feet, a temporary construction easement of approximately 34,836 square feet, 3,145 square feet and 10,915 square feet, being a portion of Tract 3, Tract 3B, and Tract 3F, MEP & PRR CO Survey, Abstract No. 1110 and Tract 2D, out of the George A Criner Survey, Abstract No. 296, Tarrant County, Texas, otherwise known as 2701 Peden Road and 2600 W. Bonds Ranch Road,, Tarrant County Texas and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.	\$220,832.00
Pete and Jo Bonds Family Partnership, LTD (Parcels 02A, 02B, 04A, 04B)	A permanent water facility easement of approximately 145,168 square feet and 72,372 square feet, a temporary construction easement of approximately 58,054 square feet and 58,003 square feet being a portion of Tract 1, Tract 3B1, Tract 3F1, and Tract 3G, out of the MEP & PRR CO Survey, Abstract No. 1110, Section 19, Tarrant County, Texas, and Tract 2D, George A Criner Survey, Abstract 296, Tarrant County, Texas, otherwise known as 3401 Peden Road and 2701 Peden Road, further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.	\$204,920.00
Steven M. Tidwell and Gwyneth Tidwell (Parcels 7A, 7B, 7C, 7D)	A permanent water facility easement of approximately 17,824 square feet and a temporary construction easement of approximately 12,896 square feet being a portion of Tract 1C, WM Durham Survey, Abstract No. 1787, City of Fort Worth, Tarrant County Texas otherwise known as 12259 Business Highway 287 North	\$127,492.00

	and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.	
Jen Texas 31, LLC	A temporary construction easement of approximately 3,219 square feet being a portion of Tract 4 & 4A, out of the MEP & RR CO Survey #17, Abstract No. 1131, City of Fort Worth, Tarrant County, Texas, otherwise known as 12985 NW Highway 287 and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.	\$8,140.00

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 IV 24-inch Water Transmission Main. Phase 1C Project (the “Project”);
- the land rights in the Property are needed to enhance system capacity and improve reliability and support continued growth and water demand 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:

49,941 square feet and 22,817 square feet of permanent water main easement rights and 34,836 square feet, 3,145 square feet, and 10,915 square feet of temporary construction easement rights from real property owned by John M. Bonds, owner of real property located at 2701 Peden Road and 2600 Bonds Ranch Road, situated in the M.E.P. & P.R.R. Co. Survey, Abstract No. 1110, and Tracts 3B1, 3F1, 3G, and 2D, George A. Criner Survey, Abstract No. 296;

145,168 square feet and 72,372 square feet of permanent water main easement rights and 58,054 square feet and 58,003 square feet of temporary construction easement rights owned by Pete and Jo Bonds Family Partnership, Ltd., owner of property located at 3401 Peden Road, situated in the M.E.P. & P.R.R.

Co. Survey, Abstract No. 1110, and the George A. Criner Survey, Abstract No. 296, and being part of Tract 3;

17,824 square feet of permanent water main easement rights and 12,896 square feet of temporary construction easement rights owned by Steven M. Tidwell and Gwenyth Tidwell, owners of property located at 12259 Business Highway 287 North, situated in the W.M. Durham Survey, Abstract No. 1787, and being part of Tract 1C; and

3,219 square feet of temporary construction easement rights owned by Jen Texas 31, LLC, owner of property located at 12985 NW Highway 287, situated in the M.E.P. & R.R. Co. Survey, Abstract No. 1131, City of Fort Worth, 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