

# 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 0.3559 acres in Fee Simple, from real property located 2812 Decatur Avenue in the Martin Roddy Survey, Abstract 1370, 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 28th Street at Decatur Hazardous Road Overtopping Mitigation (HROM) Project (the “Project”);
- the land rights in the Property are needed for channel improvements for Lebow channel upstream and downstream of 28th Street at Decatur Avenue as part of the Lebow Channel master plan 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**, the City of Fort Worth will acquire the needed property interests by eminent domain to obtain clear title and because no agreement could be reached to purchase the property from the owner; 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 0.3559 acres in Fee Simple, from real property owned by Westcrest Partners, LLC. The property is needed for the 28th Street at Decatur Hazardous Road Overtopping Mitigation (HROM) Project, a public use that will provide channel improvements for Lebow channel upstream and downstream of 28th Street at Decatur Avenue as part of the Lebow Channel master plan improvements. The land rights in the subject property are needed for the continuation of improvements to Lebow Channel and will mitigate the risk of hazardous road overtopping near the intersection to better protect

drivers from road flooding. It will also reduce flooding at the 28th Street railroad underpass west of the intersection during intense storm events as necessary. The property is located at 2812 Decatur Avenue in the Martin Roddy Survey, Abstract 1370, 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: \_\_\_\_\_  
Jannette Goodall, City Secretary