

# 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 1.1327 acres in permanent sanitary sewer easement and 1.8736 acres in temporary construction easement from real property owned by the Patricia Bowen Featherngill, LLC, Pamela B. Anderson, LLC, Bowen Trail, LLC, Edmund B. Frost, Robert H. Frost, Harold J. Frost, Robert W. Bowen, Pamela B. Anderson, Patricia Featherngill, Susan K. Bowen, George Marcum Frost LLLP, Wyatt Hans, and Callan Hans-Bowen, located at 521 Beach Street in the Robert Cross Survey, Abstract No. 304, Tract 1C, 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 Sanitary Sewer M-245 Relief Interceptor project (the “Project”);
- the land rights in the Property are needed for sanitary sewer line 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 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, Patricia Bowen Featherngill, LLC, Pamela B. Anderson, LLC, Bowen Trail, LLC, Edmund B. Frost, Robert H. Frost, Harold J. Frost, Robert W. Bowen, Pamela B. Anderson, Patricia Featherngill, Susan K. Bowen, George Marcum Frost LLLP, Wyatt Hans, and Callan Hans-Bowen, were unsuccessful due the inability to negotiate agreeable terms for the property interests 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 use of the power of eminent domain to acquire 1.1327 acres in permanent sanitary sewer easement and 1.8736 acres in temporary construction easement from real property owned by the Patricia Bowen Featherngill, LLC, Pamela B. Anderson, LLC, Bowen Trail, LLC, Edmund B. Frost, Robert H. Frost, Harold J. Frost, Robert W. Bowen, Pamela B. Anderson, Patricia Featherngill, Susan K. Bowen, George Marcum Frost LLLP, Wyatt Hans, and Callan Hans-Bowen, located at 521 Beach Street in the Robert Cross Survey, Abstract No. 304, Tract 1C, Tarrant County, Texas. The land rights in the subject property are needed for the Sanitary Sewer M-245 Parallel Relief Interceptor project, a public use that will connect two downtown deep tunnel sewers with the two West Fork trunk sewers near 1<sup>st</sup> Street, north of Gateway park to address system capacity issues in the West Fork Basin. The land rights in the subject property will be used for the continuation of sanitary sewer improvements. The property is located at 521 Beach Street in the Robert Cross Survey, Abstract No. 304, Tract 1C, 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