

# 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 1.180 acres in permanent water facility easements and 1.359 acres for temporary construction easements from real property located at the 9900-10000, 9853, and 9845 block of Saginaw Boulevard in the Benjamin Thomas Survey, Abstract No. 1497, Tracts 4b, 4b02 and 4b06a, 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 Northside IV 24" Water Main Phase 1B project (the "Project") that will provide water to new development in the northern part of the City of Fort Worth;
- the land rights in the Property are needed for new water line facility 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 owner, JLM of Tampa, Inc. and J.L.M. of Tampa, Inc., a/k/a JLM Tampa, Inc., were unsuccessful due to the inability to reach a mutually agreed upon value 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 1.180 acres in permanent water facility easements and 1.359 acres for temporary construction easements from real property owned by JLM of Tampa, Inc. and J.L.M. of Tampa, Inc., a/k/a JLM Tampa, Inc. The property interests are needed for the Northside IV Water Transmission Main project, a public use that will provide water to new development in the northern part of the City of Fort Worth. The land rights in the subject properties are needed for the construction, operation, maintenance, replacement, upgrade and repair of the permanent water line facility as

necessary. The properties are located at the 9900-10000, 9853, and 9845 block of Saginaw Boulevard in the Benjamin Thomas Survey, Abstract No. 1497, Tracts 4b, 4b02 and 4b06a, 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 S. Goodall, City Secretary