

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 178,456 square feet of permanent water main easement rights and 299,548 square feet of temporary construction easement rights from real properties as listed below.

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

OWNER	PROPERTY INTEREST/LEGAL DESCRIPTION/PROPERTY ADDRESS	OFFER
Knox Street Partners No. 13, LTD (Parcels 20 Part 1 and Part 2 PWME, 21 Part 1 and Part 2 TCE)	A permanent water main easement of approximately 48,485 square feet and 23,363 square feet and a temporary construction easement of 73,358 square feet and 34,508 square feet being a portion of land out of the James Rightly Survey, Abstract No. 1268 and the Memphis, ElPaso and Pacific Railroad Survey, Abstract No. 1111, City of Fort Worth, Tarrant County, Texas, otherwise located at the southeast corner of Blue Mound Road West and Hicks Avondale School Road and along the south side of Blue Mound Road West, approximately 160 feet west of Hulson Trail, 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.	\$91,987.00
Wellington Homeowner's Association (Parcels 22 PWME, 23 TCE)	A permanent water main easement of approximately 6,144 square feet and a temporary construction easement of approximately 2,452 square feet being Lot1X, Block 16, of Wellington Addition, an addition to the City of Fort Worth, Tarrant County, Texas, otherwise known as 1533 Stowers Trail, 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.	\$5,736.00
Priscilla "Patsy" Porter Speed, Jarvis H. Porter,	A permanent water main easement of approximately 60,044 square feet and a temporary construction easement of approximately 114,919 square feet being a portion of land out of the James Rightly Survey Abstract	\$357,088.00

<p>Mary Sue Rabe and Joe Whitley Wilder, Sr. Trustee of the Joe Whitley Wilder, Sr. and Ann Porter Wilder Family Trust, as created under the Last Will and Testament of Ann Porter Wilder (Parcels 26 PWME, 27 TCE)</p>	<p>No. 1268, City of Fort Worth, Tarrant County, Texas, otherwise known as 11996 Willow Springs 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.</p>	
<p>Houston Copart Salvage Auto Auctions Limited Partnership (Parcels 28 PWME, 29 TCE)</p>	<p>A permanent water main easement of approximately 2,662 square feet and a temporary construction easement of 27,358 square feet being a portion of land out of the James Rightly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas, otherwise known as an unknown address 1000 & 1020 Blue Mound Road, further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.</p>	<p>\$37,341.00</p>
<p>RDS Opportunity Fund, LLC (Parcels 31 PWME, 32, TCE)</p>	<p>A permanent water main easement of approximately 17,909 square feet and a temporary construction easement of approximately 20,042 square feet being a portion of land out of the James Rightly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County Texas, otherwise known as 880 Blue Mound Road and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.</p>	<p>\$104,641.00</p>
<p>Houston Copart Salvage Auto Auctions Limited Partnership (Parcel 34 TCE)</p>	<p>A temporary construction easement of approximately 2,848 square feet being a portion of land out of the James Rightly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas, otherwise known as 841 Blue Mound Road and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.</p>	<p>\$3,133.00</p>
<p>Keith Sturgeon (Parcels 35 PWME, 36 TCE)</p>	<p>A permanent water main easement of approximately 3,575 square feet and a temporary construction easement of approximately 5,598 square feet being a portion of land out of the James Rightly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas, otherwise known as 834 Blue Mound Road and further</p>	<p>\$11,074.00</p>

	described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.	
Jarvis Porter, Ann Porter Wilder, Mary Sue Porter Rabe, Mary S. Porter Rabe, and Priscilla Jane Porter Speed (Parcels 37 PWME, 38 TCE)	A permanent water main easement of approximately 10,513 square feet and a temporary construction easement of approximately 15,769 square feet and being a portion of land out of the James Righly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas, otherwise known as 820 Blue Mound Road W. and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.	\$7,950.00
HPC Wellington North Development Corporation (Parcel 57 PWME)	A permanent water main easement of approximately 3,961 square feet being a portion of land out of the James Righly Survey, Abstract No. 1268 and the Memphis, El Paso and Pacific Railroad Survey, Abstract No. 1111, City of Fort Worth, Tarrant County, Texas, otherwise known as an unknown address located at the northwest corner of Sebright Trail and Hulson Trail, further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.	\$683.00
Ron Sturgeon Real Estate, L.P. (Parcels 61 PWME, 62 TCE)	A permanent water main easement of approximately 1,800 square feet and a temporary construction easement of 2,696 square feet being a portion of land out of the James Righly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas, otherwise known as 850 Blue Mound Road, further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.	\$10,391.00

The Necessary property interests 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 Properties are needed for the Northside III 54-inch Water Transmission Main. Phase 1 Project (the “Project”);
- the land rights in these Properties 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 Properties, located within the alignment of the Project;
- the use of the Properties will be a public use; and

- the Real Estate Division of the Property Management Department is authorized to acquire by negotiation the Properties 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 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:

178,456 square feet in permanent water main easement rights and 299,548 square feet for temporary construction easement rights have been unsuccessful due to the inability to negotiate agreeable terms for the necessary property interests owned by **Knox Street Partners No. 13, LTD**, Located at the southeast corner of Blue Mound Road West and Hicks Avondale School Road and along the south side of Blue Mound Road West, approximately 160 feet west of Hulson Trail, City of Fort Worth, Tarrant County, Texas, and situated in the James Righly Survey, Abstract No. 1268 and the Memphis, El Paso and Pacific Railroad Survey, Abstract No. 1111, City of Fort Worth, Tarrant County, Texas; **Priscilla "Patsy" Porter Speed, Jarvis H. Porter, Mary Sue Rabe and Joe Whitley Wilder, Sr. Trustee of the Joe Whitley Wilder, Sr. and Ann Porter Wilder Family Trust, as created under the Last Will and Testament of Ann Porter Wilder**, Located at 11996 Willow Springs Road, City of Fort Worth, Tarrant County, Texas, situated in the James Righly Survey Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; **Houston Copart Salvage Auto Auctions Limited Partnership**, Located at 1000 & 1020 Blue Mound Road, City of Fort Worth, Tarrant County, Texas, and situated in the James Righly Survey Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; **RDS Opportunity Fund, LLC**, Located at 880 Blue Mound Road, City of Fort Worth, Tarrant County, Texas, and being situated in the James Righly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; **Houston Copart Salvage Auto Auctions Limited Partnership**, Located at 841 Blue Mound Road, City of Fort Worth, Tarrant County, Texas, and situated in the James Righly Survey Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; **Keith Sturgeon**, Located at 834 Blue Mound Road, City of Fort Worth, Tarrant County, Texas, and being situated in the James Righly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; **Jarvis Porter, Ann Porter Wilder, Mary Sue Porter Rabe, Mary S. Porter Rabe, and Priscilla Jane Porter Speed**, Located at 820 Blue Mound Road W., City of Fort Worth, Tarrant County, Texas, and being situated in the James Righly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; **HPC Wellington North Development Corporation**, Located at an unknown address at the northwest corner of Sebright Trail and Hulson Trail, City of Fort Worth, Tarrant County, Texas, and being situated in the James Righly Survey, Abstract No. 1268 and the Memphis, El Paso and Pacific Railroad Survey, Abstract No. 1111, City of Fort Worth, Tarrant County, Texas; **Ron Sturgeon Real Estate, L.P.**, Located at 850 Blue Mound Road, City of Fort Worth, Tarrant County, Texas, and being situated in the James Righly Survey, Abstract No. 1268, City of Fort Worth, Tarrant County, Texas; **Wellington Homeowner's Association**, Located at 1533 Stowers Trail, City of Fort Worth, Tarrant County, Texas, being Lot 1X, Block 16, of the Wellington Addition, an addition to

the City of Fort Worth, Tarrant County, Texas for the Northside III 54-inch Water Transmission Main, Phase 4 Project (City Project No. 104940). Declare the necessity to acquire the described property interests for the Northside III 54-Inch Water Transmission Main, Phase 4 Project (City Project No. 104940).

The property interests 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 Properties 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 interests listed above and attached to the M&C.

Adopted this _____ day of _____ 20____.

ATTEST:

By: _____
Jannette S. Goodall, City Secretary