

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 0.166 acres in permanent sewer facility easement, 0.348 acres for a temporary access easement and 0.247 acres for a temporary construction easement from real property located on the southside of Baker Boulevard between Big Fossil Creek and the junction of State Highway 26 and Baker Boulevard in the George Akers Survey, Abstract No. 30, Tract 2A, City of Haltom City, 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 Big Fossil Creek Parallel Relief Sanitary Sewer Main M-402A, Phase 2 project (the “Project”);
- the land rights in the Property are needed for new 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 Property 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, TK & AS Investments, 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 0.166 acres in permanent sewer facility easement, 0.348 acres for a temporary access easement and 0.247 acres for a temporary construction easement from real property owned by TK & AS Investments, Inc. The property is needed for the Big Fossil Creek Parallel Relief Sanitary Sewer Main M-402A, Phase 2 project, a public use that will provide parallel relief for sewer main M-402A. The

land rights in the subject property are needed for the construction, operation, maintenance, replacement, upgrade, and repair of the permanent sewer line facility as necessary.

The property is located on the southside of Baker Boulevard between Big Fossil Creek and the junction of State Highway 26 and Baker Boulevard in the George Akers Survey, Abstract No. 30, Tract 2A, City of Haltom City, 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 interests listed above and attached to the M&C.

Adopted this _____ day of _____ 20_____.

ATTEST:

By: _____
Mary Kayser, City Secretary