

# 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 May \_\_\_\_, 2024, in M&C \_\_\_\_\_, ordered and decreed that a public necessity existed to acquire 2.129 acres of land in fee simple, from real property located at 7090 Camp Bowie Boulevard, in the Edward Wilburn Survey, Abstract No. 1679, 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 Trail Gap Bomber Spur (the “Project”);
- the land rights in the Property are needed to construct a 12' wide shared-use Bomber Spur Trail from Calmont Avenue to West Vickery Boulevard;
- 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, Sally Underwood (Deceased), Anna Charninsky (Deceased), Cecyl D. Aronstein (Deceased), Lois Leah Pullen (Deceased), Claude C. Ezell (Deceased), and Interstate Circuit, Inc. were unsuccessful due to the inability to find the heirs of the remaining vested owners and obtain clear title for the property interest 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 the use of the power of eminent domain to acquire 2.129 acres in fee simple from real property owned by Sally Underwood (Deceased), Anna Charninsky (Deceased), Cecyl D. Aronstein (Deceased), Lois Leah Pullen (Deceased), Claude C. Ezell (Deceased), and Interstate Circuit, Inc. The property interest is needed for the Bomber Spur Trail project to construct a 12' wide shared-use Bomber Spur Trail from Calmont Avenue to West Vickery Boulevard. The property is located at 7090 Camp Bowie Boulevard, in the Edward Wilburn Survey, Abstract No. 1679, 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 Councilmember \_\_\_\_\_, 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