

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 2,180 square feet of temporary construction easement rights from real property as listed below.

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

OWNER	PROPERTY INTEREST/LEGAL DESCRIPTION/PROPERTY ADDRESS	OFFER
Barry G. Caldwell (Parcel 01 TCE)	A temporary construction easement of approximately 1,355 square feet being part of Lots B & C, Block 12, Hill Crest Addition, an addition to the City of Fort Worth, Tarrant County, Texas, otherwise known as 2321 Ashland Avenue, 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.	\$13,008.00
Jace Joseph Jackson & Laura Kate Jackson (Parcel 03 TCE)	A temporary construction easement of approximately 825 square feet, being part of Lots D and F, Block 12 of the Hill Crest Addition, as recorded in Volume 1049, Page 165 Plat Records of Tarrant County, Texas, otherwise known as 2316 Tremont Avenue, further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.	\$7,920.00

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 El Campo & Ashland Storm Drain Relocation Project; (the “Project”);
- the land rights in the Properties are needed for additional temporary construction areas to properly grout and abandon the existing deteriorated storm drain pipe;
- 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:

1,355 square feet of temporary construction easement rights from Barry G. Caldwell, owner of property located at 2321 Ashland Avenue, City of Fort Worth, Tarrant County, Texas, and being part of Lots B & C, Block 12, Hill Crest Addition, an addition in the City of Fort Worth, Tarrant County, Texas; and

825 square feet of temporary construction easement rights from Jace Joseph Jackson & Laura Kate Jackson, owners of property located at 2316 Tremont Avenue, City of Fort Worth, Tarrant County, Texas, and being part of Lots D & F, Block 12, of the Hill Crest Addition, an addition to the City of Fort Worth, Tarrant County, Texas.

The land rights in the subject properties are needed for a public use, the El Campo & Ashland Storm Drain Relocation project, which will require additional temporary construction areas to properly grout and abandon the existing deteriorated storm drain pipe.

The property interests to be acquired are described by metes and bounds and depicted by survey exhibits attached to this Mayor and Council Communication.

The first record vote applies to all units of property to be condemned and the minutes shall reflect that the first vote applies to all units.”

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