

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 _____, 2023, in M&C _____, ordered and decreed that a public necessity existed to acquire 0.109 acres in a public access easement from real property located at 4220 Wells Drive, Lake Worth, Tarrant County, Texas, being a part of Lots 23, 24 and 25 in the Hodgkins Highlands, an Addition to the City of Lake Worth, Tarrant County, Texas according to the plat recorded in Volume 204, Page 90 of the Plat Records of 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 to provide sufficient vehicular access for the properties located in Block 9 of the Lake Worth Lease Survey in the City of Fort Worth and to allow for the completion of the plat of Block 9 of the Lake Worth Lease Survey in accordance with the City of Fort Worth’s Subdivision Ordinance (the “Project”);
- 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, Lake Worth Investments, Inc. were 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 _____, 2023, 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 0.109 acres in a permanent public access easement from real property owned by Lake Worth Investments, Inc. The property interests are needed for the Fort Worth Block 9 Platting Project, a public use that will provide sufficient vehicular access for the public and emergency responders for the properties located in Block 9 of the Lake Worth Lease Survey in the City of Fort Worth. The

land rights in the subject properties are needed for the construction, operation, maintenance, replacement, upgrade, and repair of a public access easement. The properties are located at 4220 Wells Drive, Lake Worth, Tarrant County, Texas, being a part of Lots 23, 24 and 25 in the Hodgkins Highlands, an Addition to the City of Lake Worth, Tarrant County, Texas, according to the plat recorded in Volume 204, Page 90 of the Plat Records of 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 _____ 2023.

ATTEST:

By: _____
Jannette S. Goodall, City Secretary