

# 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 a permanent sanitary sewer easement interest in approximately 6.3268 acres and 2.0959 acres in temporary construction easement interests from real property owned by Third Peak, LP from real property located at 9770 N Verna Trail, City of Fort Worth, Tarrant County, Texas in the Jacob Wilcox #2 Survey Abstract No. 1725 and the John H Smallwood Survey, Abstract No. 1452, 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 Silver Creek Lift Station, Force Main and Gravity Main Project (the “Project”);
- the land rights in the Property are needed for transporting wastewater;
- 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, Third Peak, LP, were unsuccessful due the inability to negotiate agreeable terms 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 Council member \_\_\_\_\_, to wit:

“I move that the Fort Worth City Council adopt the resolution authorizing use of the power of eminent domain to acquire 6.3268 acres of land in permanent sanitary sewer easement interests and 2.0959 acres in temporary construction easement interests from real property owned by Third Peak, LP. The subject property is located at 9770 N Verna Trail, City of Fort Worth, Tarrant County, Texas in the Jacob Wilcox #2 Survey Abstract No. 1725 and the John H. Smallwood Survey, Abstract No 1452, City of Fort Worth, Tarrant County, Texas. The land rights in the subject property are needed for the Silver

Creek Lift Station, Force Main and Gravity Main, a public use that provides for transporting wastewater. The property interests to be acquired is described by metes and bounds and depicted by survey exhibits attached to this Mayor and City 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 \_\_\_\_\_ 20\_\_\_\_.

ATTEST:

By: \_\_\_\_\_  
Jannette S. Goodall, City Secretary