

# A Resolution

NO. \_\_\_\_\_

## **AUTHORIZING THE CITY ATTORNEY TO FILE A PETITION FOR TEMPORARY INJUNCTION AGAINST VASS'E ENTERPRISES INC. OF 4201 SOUTH CRAVENS ROAD**

**WHEREAS** the City of Fort Worth ("City") is in the design stage of the Hazardous Roadway Overtopping Mitigation South Cravens Road Culvert Improvements Project (the "Project"). The Project will replace and raise portions of South Cravens Road and improve drainage through the waterway under the bridge by replacing the existing culverts with larger ones designed for a 100-year flood event; and

**WHEREAS** to complete the Project, the City must access property owned by Vass'e Enterprises Inc. in order to conduct surveying and other due diligence, said property being located at 4201 South Cravens Road and being described as Tarrant Appraisal District Parcel No. 03844730 in the James W. Daniel Survey, Abstract 395, Tracts 3, 3D, 3E, 3F 3F1 & 3G; and

**WHEREAS** the City has repeatedly sought to coordinate its survey and due diligence activities with Vass'e Enterprises Inc. by entering into a voluntary access agreement that would allow the City to conduct the due diligence activities it is entitled to conduct under the law; and

**WHEREAS** efforts to obtain permission to enter the property in order to perform surveying and other due diligence have been unsuccessful, preventing the City from completing the surveying and due diligence that need to be conducted in order for the Project to move forward; and

**WHEREAS** the City's failure to legally conduct a survey and other due diligence on the Property places the ultimate design and construction of the Project in jeopardy; and

**WHEREAS** because the City is vested with the power of eminent domain, the City is legally entitled to enter the Property and conduct the due diligence necessary to successfully complete the Project; and

**WHEREAS**, pursuant to Section 65.011(1) of the Texas Civil Practice and Remedies Code, injunctive relief is appropriate when the applicant is entitled to the relief sought and such relief requires the restraining of some act prejudicial to the applicant. As a matter of law, the City is entitled to enter upon the Property to conduct its due diligence and the owners should be restrained from interfering with the City's exercise of this legal right.



**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:**

The City Council authorizes the City Attorney to file a Petition for Temporary Injunction against Vass'e Enterprises Inc., the owner of 4201 South Cravens Road, in order to preserve the status quo and to protect the City's statutory right to access the property to conduct the due diligence and survey activities necessary to proceed with the Project.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

ATTEST:

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

