

A Resolution

NO. _____

AUTHORIZING THE CITY ATTORNEY TO FILE A PETITION FOR TEMPORARY INJUNCTION AGAINST THE CO-EXECUTORS OF THE ESTATE OF MANUCHER NAZARIAN

WHEREAS, the City of Fort Worth (“City”) City is in the planning stage of constructing the Westside III Water Transmission Main (“the Project”). The Project will deliver water from the Westside Water Treatment Plant (Old Weatherford Road) to the south side of Interstate 20 (just west of Markum Ranch Road); and

WHEREAS, one of the alignments being considered by the City includes unimproved property owned by the Estate of Manucher Nazarian located at 12501 Camp Bowie West Blvd., described as Parcel No. 102688 in the Jonathan Burleson Survey, Abstract 78; and

WHEREAS, the City has repeatedly sought to coordinate its examination and survey activities with Michael Nazarian 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 due diligence work have been unsuccessful thus preventing the City from completing the due diligence activities that need to be conducted in order for the Project to move forward; and

WHEREAS, the City’s failure to legally identify and finalize the route of the easement on the Property places the ultimate design and acquisition of the Property 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 determine the most advantageous route for the easement; 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 co-exectuors 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 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 for the City's proposed water line easement against Michael Nazarian, Rachel Nazarian and Rebekah Nazarian as co-executors of The Estate of Manucher Nazarian.

Adopted this _____ day of _____ 2021.

ATTEST:

By: _____
Mary Kayser, City Secretary

