

# 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 November 28, 2023, in M&C \_\_\_\_\_, ordered and decreed that a public necessity existed to acquire 9.5664 acres of land in right-of-way easements, 1.013 acres of land in permanent slope easements, 0.7113 acres of land in permanent drainage easements and 1.7255 acres of land for a temporary construction easement from property owned by COHIX, LLC, a Texas Limited Liability Company, located in the Moses Walters Survey, Abstract No.1598, J. H. Duncan Survey, Abstract No. 398 in City of Fort Worth, Tarrant County, Texas, 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 McCart Avenue/McPherson Project (the “Project”);
- The land rights in the subject property are needed for new travel lanes, intersection improvements, storm drainage improvements, sidewalks, and streetlights as necessary;
- 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, COHIX, LLC. were unsuccessful due the inability to negotiate agreeable terms for the property interests being acquired by the City of Fort Worth; and

**WHEREAS**, on this 28th day of November, 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 the use of the power of eminent domain to acquire 9.5664 acres of land in right-of-way easements, 1.013 acres of land in permanent slope easements, 0.7113 acres of land in permanent drainage easements and 1.7255 acres of land for a temporary construction easement from property owned by COHIX, LLC, a Texas Limited Liability Company, located in the Moses Walters Survey, Abstract No.1598, J. H. Duncan

Survey, Abstract No. 398 in City of Fort Worth, Tarrant County, Texas. The land rights in the subject property are needed for the McCart Avenue/McPherson Project; a public purpose that provides for new travel lanes, intersection improvements, storm drainage improvements, sidewalks, and streetlights as necessary. The property is further 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 \_\_\_\_\_ 20\_\_\_\_.

ATTEST:

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