

# 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 944 square feet of permanent sanitary sewer easement rights from real property as listed below.

SCHEDULE OF PROPERTIES AND OWNERS (referred to herein as “Schedule.”):

<b>OWNER</b>	<b>PROPERTY INTEREST/LEGAL DESCRIPTION/PROPERTY ADDRESS</b>	<b>OFFER</b>
Maria Rojero (Parcel 01 PSSE)	A permanent sanitary sewer easement of approximately 475 square feet being part of Lot 10, Block 7, of the Edgewood Terrace Addition, an addition to the City of Fort Worth, Tarrant County, Texas, otherwise known as 4604 Burton Avenue, City of Fort Worth, Tarrant County Texas and further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.	\$2,375.00
Homeurway, LLC (Parcel 02 PSSE)	A permanent sanitary sewer easement of approximately 469 square feet, being part of Lot 9, Block 7 of the Edgewood Terrace Addition, an addition to the City of Fort Worth, Tarrant County, Texas, otherwise known as 4600 Burton Avenue, further described in Exhibit A, attached hereto and made a part hereof as if set forth here verbatim.	\$2,345.00

The Necessary property interests is described in the exhibit attached to the above-referenced M&C; those exhibit is incorporated herein for all purposes (the “Property”);

**WHEREAS**, the Fort Worth City Council has determined that:

- the Properties are needed for the 2022 Bond Yr 1 Contract 4 Project; (the “Project”);
- the land rights in the Properties are needed for the replacement of sanitary sewer main L-4508 located between Edgewood Terrace and Crouch Avenue from Burton Avenue to East Berry Street. The proposed sewer line will replace an existing deteriorated 8-inch clay pipe that currently runs beneath a building. The required easements will allow for the construction, operation and maintenance of the sewer line:
- public necessity required the acquisition by condemnation of the Properties, located within the alignment of the Project;

- the use of the Properties will be a public use; and
- the Real Estate Division of the Property Management Department is authorized to acquire by negotiation the Properties needed for the Project.

**WHEREAS**, negotiations between the City of Fort Worth and the property owners, listed above, have been unsuccessful due to 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 Councilmember \_\_\_\_\_, to wit:

“I move that the Fort Worth City Council adopt the resolution authorizing use of the power of eminent domain to acquire:

475 square feet of permanent sanitary sewer easement rights owned by Maria Rojero, owner of property located at 4604 Burton Avenue, City of Fort Worth, Tarrant County, Texas, and being part of Lot 10, Block 7, of the Edgewood Terrace Addition, an addition in the City of Fort Worth, Tarrant County, Texas; and

469 square feet of permanent sanitary sewer easement rights owned by Homeurway, LLC, owners of property located at 4600 Burton Avenue, City of Fort Worth, Tarrant County, Texas, and being part of Lot 9, Block 7, of the Edgewood Terrace Addition, an addition to the City of Fort Worth, Tarrant County, Texas.

The land rights in the subject properties are needed for a public use, for the 2022 Bond Yr 1- Contract 4 project to replace sanitary sewer main L-4508 located between Edgewood Terrace and Crouch Avenue from Burton Avenue to East Berry Street. The proposed sewer line will replace an existing deteriorated 8-inch clay pipe that currently runs beneath a building. The required easements will allow for the construction, operation and maintenance of the sewer line.

The Property interests to be acquired are described by metes and bounds and depicted by survey exhibits attached to this Mayor and Council Communication. The first record vote applies to all units of property to be condemned, and the minutes shall reflect that the first vote applies to all units."

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 Properties 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 interests listed above and attached to the M&C.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

ATTEST:

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