

RESOLUTION NO. 2003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, DECLARING THE NECESSITY TO ACQUIRE FEE SIMPLE TITLE TO APPROXIMATELY 0.1607 OF AN ACRE OR 7000 SQUARE FEET OF LAND SITUATED IN TERRELL, KAUFMAN COUNTY, TEXAS, AND BEING DESCRIBED AS LOT 6, BLOCK 21, STALLINGS 3RD AND 4TH ADDITION, TERRELL, KAUFMAN COUNTY, TEXAS, LOCATED AT 501 HENDERSON STREET, TERRELL, TEXAS, FOR TEMPLE STREET IMPROVEMENTS WITH THE STALLINGS PARK DRAINAGE PROJECT; DETERMINING THE PUBLIC NECESSITY FOR SUCH ACQUISITION; AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR THE PROJECT AND ASSOCIATED DRAINAGE USES; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED AND TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS; AND AUTHORIZING THE CITY ATTORNEY OR HER DESIGNEE TO INSTITUTE CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY IF PURCHASE NEGOTIATIONS ARE NOT SUCCESSFUL.

WHEREAS, the City Council of the City of Terrell, Texas ("Council"), has determined that approximately 0.167 of an acre of land or a 7,000 square foot tract situated in Terrell, Kaufman County, Texas, and being described as Lot 6, Block 21, Stallings 3rd and 4th Addition, Terrell, Texas, and being located at 501 Henderson Street, Terrell, Texas ("Property"), a legal description of which is attached hereto, is necessary for use by the City of Terrell for the Temple Street Improvements With The Stallings Park Drainage Project ("Temple/Stallings Project"), and that there exists a public necessity to acquire the Property, in fee simple title, for the Temple/Mayfield Project; and

WHEREAS, the City Council desires to acquire the Property for the aforementioned public use necessary for the Temple/Stallings Project; and

WHEREAS, the City Council desires that the City Manager or his designee, take all necessary steps to acquire the needed property interests, including but not limited to the retention of appraisers, engineers and other consultants and experts, and that the City Attorney or her designee, negotiate the purchase of the property interests and, if unsuccessful in purchasing the needed property interests, to institute condemnation proceedings to acquire the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, THAT:

SECTION I.

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Terrell, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in its entirety.

SECTION II.

The City Council hereby finds and determines that a public use and necessity exists for the City of Terrell, Texas, to improve Temple Street with Stallings Park Drainage Improvements as part of the Temple/Stallings Project, and to acquire the necessary property rights in the Property deemed necessary such improvements in the Temple/Stallings Project, as allowed by law, together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land.

SECTION III.

The City Attorney or her designee, is authorized and directed to negotiate for and to acquire the required property rights for the City of Terrell, Texas, and to acquire said rights in compliance with State and Federal law. The City Attorney or her designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to retain and designate a qualified appraiser of the property interests to be acquired, as well as any other experts or consultants that deemed necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

SECTION IV.

The City Manager or his designee, is appointed as negotiator for the acquisition of the needed property interests and, as such, the City Manager or his designee is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the City Council for such purpose. The City Manager or his designee is specifically authorized to establish the just compensation for the acquisition of the Property. If the City Manager or his designee determines that an agreement as to damages or compensation cannot be reached, then the City Attorney or her designee is hereby authorized and directed to file or cause to be filed, against the owner(s) and interested parties of the needed property interests, proceedings in eminent domain to acquire the above-stated interests in the Property.

SECTION V.

This Resolution shall become effective from and after its passage.

PASSED AND APPROVED this 10th day of May, 2022.



E. RICK CARMONA, Mayor

ATTEST:



DAWN STEIL, City Secretary