

**RESOLUTION NO. 2019**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, DECLARING THE NECESSITY TO ACQUIRE FEE SIMPLE TITLE OF LAND CONSISTING OF APPROXIMATELY 0.246 ACRES OF LAND OR 10,706.903 SQUARE FEET, MORE OR LESS, OUT OF THE J. C. HALE SURVEY, ABSTRACT NO. 202, KAUFMAN COUNTY, TEXAS, IN CONNECTION WITH THE ROSE HILL WIDENING PROJECT TO WIDEN ROSE HILL ROAD LOCATED IN THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; DETERMINING THE PUBLIC NECESSITY FOR SUCH ACQUISITION; AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR THE WIDENING OF THE ROSE HILL ROAD PROJECT AND ASSOCIATED CONSTRUCTION USES AND ACCESS; 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 DESIGNEE TO INSTITUTE EMINENT DOMAIN 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 0.246 acres of land or 10,706.903 square feet, more or less, situated in the J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas (“Property”), a legal description of which is attached hereto as Exhibit “A” and made a part hereof for all purposes, is necessary for use by the City of Terrell for the widening of Rose Hill Road and associated construction uses and access (“Rose Hill Road Widening Project”), and that there exists a public necessity to acquire the Property, in fee simple title, for the Rose Hill Road Widening Project; and

**WHEREAS**, the City Council desires to acquire the Property for the aforementioned public use in conjunction with the Rose Hill Road Widening Project because of safety concerns in accordance with the City Comprehensive Plan; 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 Manager or his designee, negotiate the purchase of the property interests and, if unsuccessful in purchasing the needed property interests, to institute eminent domain 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 their entirety.

**SECTION II.**

The City Council hereby finds and determines that a public use and necessity exists for the City of Terrell, Texas, to widen Rose Hill Road and associated construction uses and access as part of the Rose Hill Road Widening Project, and to acquire the necessary property rights in the Property deemed necessary for widening Rose Hill Road and related safety concerns in accordance with the City Comprehensive Plan, 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 hereby 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 are 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.

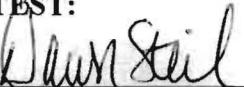
**SECTION V.**

This Resolution shall become effective from and after its passage.

PASSED AND APPROVED this 21<sup>st</sup> day of June, 2022.

  
E. RICK CARMONA, Mayor

ATTEST:

  
Dawn Steil, City Secretary



**SSC**

**STANGER SURVEYING CANTON LLC**

13878 ST. HWY. NO. 64

BEN WHEELER, TEXAS 75754

PH: 903-833-1006

T.B.P.L.S. FIRM NO. 10025701

FAX: 903-833-1005

**CITY OF TERRELL, TEXAS RIGHT OF WAY DEDICATION**

**EXHIBIT "A"**

**BEING** a 0.486 acre tract of land situated in the **J. C. HALE SURVEY, ABSTRACT NO. 202**, Kaufman County, Texas, being part of a called 2 acres (C) to Sandra Faye Hicks, et al recorded in Volume 815, Page 391 of the Deed Records of Kaufman County, Texas. Said 0.486 acre tract of land being more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod (found) for the West corner of this 0.486 acre tract of land. Said corner also being the West corner of the above referenced 2 acres (C), being the North corner of a called 67.717 acres to Peridio Partnership Fund, LTD recorded in Document No. 2013-0004964 of the Deed Records of Kaufman County, Texas, being on the Southeast line of a 1.721 acre right of way dedication recorded in Document No. 2010-0015743 of the Deed Records of Kaufman County, Texas, and being located generally in the center of Rose Hill Road;

**THENCE:** North 42 Deg. 26 Min. 03 Sec. East, along the Northwest line of the 2 acres (C), along the Southeast line of the above referenced 1.721 acre tract of land, and generally along the center of Rose Hill Road, a distance of 346.82 feet to a point for corner for the North corner of this 0.486 acre tract of land. Said corner also being the North corner of the 2 acres (C), being the West corner of a called 10.00 acres recorded in Document No. 2014-0011180 and Document No. 2015-0011367 of the Deed Records of Kaufman County, Texas, and being on the Southeast line of a called 0.543 acre right of way dedication recorded in Document No. 2013-0007459 of the Deed Records of Kaufman County, Texas;

**THENCE:** South 47 Deg. 09 Min. 00 Sec. East, along the Northeast line of the 2 acres (C) and along the Southwest line of the above referenced 10.00 acres, a distance of 60.01 feet to a 1/2 inch iron rod (set) for the East corner of this 0.486 acre tract of land;

THENCE: South 41 Deg. 58 Min. 39 Sec. West, over and across the 2 acres (C), a distance of 166.19 feet to a point for corner for an angle break in the Southeast line of this 0.486 acre tract of land;

THENCE: South 43 Deg. 11 Min. 30 Sec. West, over and across the 2 acres (C), a distance of 134.67 feet to a point for corner for an angle break in the Southeast line of this 0.486 acre tract of land;

THENCE: South 42 Deg. 01 Min. 09 Sec. West, over and across the 2 acres (C), a distance of 52.45 feet to a 1/2 inch iron rod (set) for the South corner of this 0.486 acre tract of land. Said corner also being on the Southwest line of the 2 acres (C) and being on the Northeast line of the 67.717 acres;

THENCE: North 40 Deg. 59 Min. 54 Sec. West, along the Southwest line of the 2 acres (C) and the Northeast line of the 67.717 acres, a distance of 60.33 feet back to the **POINT OF BEGINNING** and containing a 0.486 acre tract of land of which 0.240 acres is located within the prescriptive easement for Rose Hill Road, leaving a net acreage of 0.246 acres.

Bearings are "**GROUND**" and based on the Texas State Plane Coordinate System, North Central Zone (NAD83, CORS96) referenced to the Trimble Texas RTK Cooperative Network VRS3 Net Advanced. Reference made to Plat of Survey prepared even date (C190058).

I, Jeff D. Douglas, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from an actual Survey made on the ground under my direction and supervision during the month of June, 2019.

GIVEN UNDER MY HAND AND SEAL, this the 9th day of July, 2019.

Jeff D. Douglas  
Registered Professional  
Land Surveyor No. 5757



**CITY OF TERRELL, TEXAS  
RIGHT OF WAY DEDICATION**

CALL: 0.543 AC.  
RIGHT OF WAY DEDICATION  
DOC. NO. 2013-0007459

**TRACT 1**  
**TOTAL SURVEYED 0.486 ACRES 21,160.167 SQ. FT.**  
**PRESCRIP. ESMNT. 0.240 ACRES 10,453.264 SQ. FT.**  
**NET ACREAGE 0.246 ACRES 10,706.903 SQ. FT.**

LINE	BEARING	DISTANCE
L1	S 47°09'00" E	60.01'
L2	S 42°01'09" W	52.45'
L3	N 40°59'54" W	60.33'

POINT OF BEGINNING

1/2" I.R.F.

ROSE HILL ROAD

CALL: 67.717 AC.  
PERDIO PARTNERSHIP FUND, LTD  
DOC. NO. 2013-0004964

1/2" I.R.S.

CALL: 10.00 AC.  
MULTIPLE OWNERS  
DOC. NO. 2014-0011180  
DOC. NO. 2015-0011367

RIGHT OF WAY DEDICATION  
DOC. NO. 2010-0015743

N 42°26'03" E 345.82'

S 45°11'30" W 134.67'

S 41°58'39" W 168.19'

CALL: 2 AC. (C)  
SANDRA FAYE HICKS, ET AL.  
VOL. 815, PG. 391

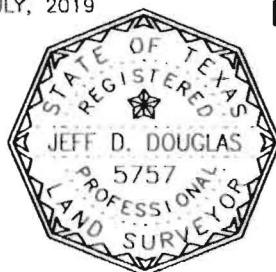
**LEGEND**

- X — = FENCE
- I.R.F. = IRON ROD (FOUND)
- I.R.S. = IRON ROD (SET) W/CAP
- = EXISTING PREScriptive EASEMENT

BEARINGS AND DISTANCES ARE "GROUND" AND BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (NAD83, CORS96) REFERENCED TO THE TRIMBLE TEXAS RTK COOPERATIVE NETWORK VRS3 NET ADVANCED. COMBINED SCALE FACTOR = 1.00012

I, JEFF D. DOUGLAS, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THIS PLAT TO REFLECT AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION DURING THE MONTH OF JUNE, 2019. GIVEN UNDER MY HAND & SEAL, THIS THE 9TH DAY OF JULY, 2019

JEFF D. DOUGLAS  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS NO. 5757  
TBPLS FIRM NO. 10025701  
JOB NUMBER: C190058  
DATE: JULY 09, 2019



**EXHIBIT "B"**

ROSE HILL ROAD

**CITY OF TERRELL, TEXAS  
RIGHT OF WAY DEDICATION**

SITUATED IN THE  
J. C. HALE SURVEY, ABSTRACT NO. 202  
KAUFMAN COUNTY, TEXAS

SURVEYOR  
STANGER SURVEYING CANTON, LLC  
13878 ST HWY. NO. 64  
BEN WHEELER, TEXAS 75754  
TELEPHONE 903-833-1006

SCALE" 1" = 50'