

RESOLUTION NO. 2038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, DECLARING THE NECESSITY TO ACQUIRE FEE SIMPLE TITLE TO CERTAIN REAL PROPERTY IN THE CITY OF TERRELL, TEXAS, NECESSARY FOR THE SAGE HILL PARKWAY/COUNTY ROAD 305 PROJECT; DETERMINING THE PUBLIC NECESSITY FOR SUCH ACQUISITION; AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR THE SAGE HILL PARKWAY/COUNTY ROAD 305 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 HER DESIGNEE TO INSTITUTE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE THE PROPERTY IF PURCHASE NEGOTIATIONS ARE NOT SUCCESSFUL AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Terrell, Texas (“Council”), has determined that it is in the best interest of the citizens of the City of Terrell to acquire certain real property necessary for completion of the Sage Hill Parkway/County Road 305 Project; such Properties being described on the attached Exhibit “A” is necessary for public use by the City of Terrell for the Sage Hill Parkway/County Road 305 Project and associated construction uses and access, and that there exists a public necessity to acquire the Properties, in fee simple title, for the Sage Hill Parkway/County Road 305 Project; and

WHEREAS, the City Council desires to acquire the Properties for the aforementioned public uses in conjunction with the Sage Hill Parkway/County Road 305 Project for roadway improvements, drainage improvements and water and sewer improvements; 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 Properties.

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, for roadway improvements, drainage improvements and water and sewer improvements and associated construction uses and access as part of the Sage Hill Parkway/County Road 305 Project, and to acquire the necessary property rights in the Properties deemed necessary for such public improvements, 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.

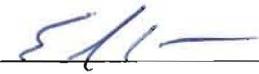
SECTION IV.

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 Properties. 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 Properties.

SECTION V.

This Resolution shall become effective from and after its passage.

PASSED AND APPROVED this 13th day of September, 2022.


E. RICK CARMONA, Mayor

ATTEST:


Dawn Steil, City Secretary



EXHIBIT "A"

<u>PROPERTY OWNER</u>	<u>LEGAL DESCRIPTION</u>
BILLY & MITTIE HOLMES	More particularly described as 0.834 acres more or less, out of the J. W. Ward Survey, Abstract No. 596; also known as 11259 County Road 305
BILLY HOLMES	More particularly described as 0.538 acres more or less, out of the J. W. Ward Survey, Abstract No. 596; also known as 0 County Road 305
NORMA J. WHITE a/k/a NORMA JESSUP WHITE a/k/a NORMA J. WHITE HENNING and husband, MIKE HENNING d/b/a TERRELL RV PARK	More particularly described as 0.516 acres more or less out of the J. W. Ward Survey also known as 11325 County Road 305