



Legislation Details (With Text)

File #: 2021-207
Type: Resolution **Status:** Agenda Ready
File created: 7/26/2021 **In control:** City Council
On agenda: 8/12/2021 **Final action:** 12/31/2023
Title: Consider a resolution determining the necessity for, and authorizing the use of the City’s power of eminent domain to acquire a 6.12 acre parcel owned by Wilbur Eugene McConico, Patsy M. Anderson, Garfield W. McConico, Jr., Byron G. Anderson, Bianca M. Jackson, Candis Y. Jackson for the Downtown Parks project.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution, 2. Exhibit A, 3. Map

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------|--------|
| 8/12/2021 | 1 | City Council | approve | Pass |

Consider a resolution determining the necessity for, and authorizing the use of the City’s power of eminent domain to acquire a 6.12 acre parcel owned by Wilbur Eugene McConico, Patsy M. Anderson, Garfield W. McConico, Jr., Byron G. Anderson, Bianca M. Jackson, Candis Y. Jackson for the Downtown Parks project.

The City's current appraised value for this parcel is \$615,000. The City attempted to negotiate a purchase of the property without the threat of condemnation in 2020, which was unsuccessful. An updated purchase attempt, under the threat of condemnation, was undertaken in 2021. To date the owners have not provided any substantive counteroffer proposal to the City's initial offer (4.27.21) or final offer (6.23.21).

This resolution reserves the City's right to use eminent domain to acquire this tract should it become necessary.

EMINENT DOMAIN MOTION LANGUAGE REQUIREMENTS

Mayor and Council:

The Texas Government Code §2206.053 has very specific requirements for the motion to authorize eminent domain proceedings. In order to make certain that we comply with these statutory requirements, I recommend that the motion to adopt the resolution be read aloud as follows:

"I move that the City Council approve this resolution which authorizes the use of the power of eminent domain to acquire fee simple title to the following parcel of land for the Downtown Parks Project: a 6.12-acre tract of land from property owned by Wilbur Eugene McConico, Patsy M. Anderson, Garfield W. McConico, Jr., Byron G. Anderson, Bianca M. Jackson a/k/a Bianca Michele Jackson, and Candis Y. Jackson a/k/a Candis Yvette Jackson, as described in Exhibit A of the resolution."