Legislation Details (With Text)

File #:	2019-0018		
Type:	Resolution	**Status:**	Approved
File created:	12/20/2018	**In control:**	City Council
On agenda:	1/10/2019	**Final action:**	1/10/2019
Title:	Consider a resolution determining the necessity and authorizing the use of the City's power of eminent domain to acquire fee simple title to 0.160 acre of land, and a temporary construction workspace easement interest in and to 0.106 acre of land from property owned by Victorio L. Tostado and Maria L. Tostado for the construction of certain roadway improvements to Gattis School Road and related utility facilities, and take other appropriate action (Parcel 3/3TCE).		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Resolution, 2. Map		

Date	Ver.	Action By	Action	Result
1/10/2019	1	City Council	approve	Pass

Consider a resolution determining the necessity and authorizing the use of the City's power of eminent domain to acquire fee simple title to 0.160 acre of land, and a temporary construction workspace easement interest in and to 0.106 acre of land from property owned by Victorio L. Tostado and Maria L. Tostado for the construction of certain roadway improvements to Gattis School Road and related utility facilities, and take other appropriate action (Parcel 3/3TCE).

The owners have not provided a substantive response or counteroffer proposal to our initial right of way purchase offer (11.5.18) or final purchase offer (12.11.18). This property is located within a priority section of the project needed for construction of the proposed Gattis School waste water line extension, and the Utility Department has asked for expedited possesion of the required parcel.

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 and a temporary construction workspace easement

interest to the following parcels of land for construction of proposed improvements to the Gattis School Road Project: a 0.160-acre tract and a 0.106 acre of land from property owned by Victorio L. Tostado and Maria L. Tostado, as described in Exhibit A of the resolution.