



## Legislation Text

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**File #:** 2023-207, **Version:** 1

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Consider a resolution determining the necessity and authorizing the use of the City's power of eminent domain to acquire a 0.078 acre parcel and 0.045 acre drainage easement from property owned by The Jack J. Zajicek and Velma C. Zajicek Revocable Living Trust required for the Red Bud South Project.

The City's current appraised value for this parcel is \$35,434. The City attempted to negotiated a purchase of the property without the threat of condemnation, which was unsuccessful. To date the owners have not provided any substantive counteroffer proposal to the City's initial offer (5.05.23) or final offer (6.09.23).

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 drainage easement to the following parcels of land for construction of proposed improvements to the Red Bud South Project: a 0.078-acre tract of land and a 0.045 acre drainage easement from property owned by The Jack J. Zajicek and Velma C. Zajicek Revocable Living Trust, as described in Exhibit A of the resolution."**