



## Legislation Details (With Text)

**File #:** 2018-6115  
**Type:** Resolution **Status:** Approved  
**File created:** 11/5/2018 **In control:** City Council  
**On agenda:** 11/20/2018 **Final action:** 11/20/2018  
**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 1.08-acre tract from property owned by Brian James Graver and Sheila Joy Offutt for the construction of certain roadway improvements to Kenney Fort Boulevard, and take other appropriate action (Parcel 5).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution, 2. Exhibit A

Date	Ver.	Action By	Action	Result
11/20/2018	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 1.08-acre tract from property owned by Brian James Graver and Sheila Joy Offutt for the construction of certain roadway improvements to Kenney Fort Boulevard, and take other appropriate action (Parcel 5).

The owner is represented by condemnation attorney Erik Cardinell. There has been no substantive response to our initial purchase offer (7.30.18) or final purchase offer (10.9.18).

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 construction of proposed improvements to the Kenney Fort Blvd. Project: a 1.08-acre tract from property owned by Brian James Graver and Sheila Joy Offutt, as described in Exhibit A of the resolution."***

