



## Legislation Details (With Text)

<b>File #:</b>	2020-0215	<b>Status:</b>	Approved
<b>Type:</b>	Resolution	<b>In control:</b>	City Council
<b>File created:</b>	7/27/2020	<b>Final action:</b>	8/13/2020
<b>On agenda:</b>	8/13/2020		
<b>Title:</b>	Consider a resolution determining the necessity and authorizing the use of the City's power of eminent domain to acquire fee simple title to a 0.156-acre tract of land from property owned by Leonardo Duarte a/k/a Leonard Duarte, required for the proposed Gattis School Road Improvements Project.		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Resolution, 2. Exhibit A, 3. Map		

Date	Ver.	Action By	Action	Result
8/13/2020	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 a 0.156-acre tract of land from property owned by Leonardo Duarte a/k/a Leonard Duarte, required for the proposed Gattis School Road Improvements Project.

This property is required for construction of widening improvements to Gattis School Road (Phase 3). The property is designated as Parcel 28. There have been no substantive responses to the city's initial notice of intent, initial offer, or final offer correspondence to multiple available addresses or hand delivery.

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 Gattis School Road Project: a 0.156-acre tract of land from property owned by Leonardo Duarte a/k/a Leonard Duarte, as described in Exhibit A of the resolution.”***