



Legislation Details (With Text)

**File #:** 2020-0308

**Type:** Resolution                      **Status:** Approved

**File created:** 10/5/2020                      **In control:** City Council

**On agenda:** 10/22/2020                      **Final action:** 10/22/2020

**Title:** Consider a resolution authorizing the Mayor to execute a resolution determining the necessity and authorizing the use of the City’s power of eminent domain to acquire fee simple title to 0.114 acre tract of land from property owned by Nathan Leistico and Kent Leistico, required for the proposed Gattis School Road Improvement Project.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution, 2. Exhibit A, 3. Maps

Date	Ver.	Action By	Action	Result
10/22/2020	1	City Council	approve	Pass

Consider a resolution authorizing the Mayor to execute a resolution determining the necessity and authorizing the use of the City’s power of eminent domain to acquire fee simple title to 0.114 acre tract of land from property owned by Nathan Leistico and Kent Leistico, required for the proposed Gattis School Road Improvement Project.

This property is required for construction of widening improvements to Gattis School Road (Phase 3). The property is designated as Parcel 25. Although a negotiated agreement of \$90,703 has been reached between the parties for the land compensation, the owners have also requested that a 60' wide driveway be constructed to the remainder property. The City Transportation and Planning departments have not been willing to approve a driveway wider than 30', and the owners are refusing to execute a voluntary purchase agreement without that component. The parent tract property is reportedly under contract to Circle K, but no development submissions have been received by the City to date.

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 0.114-acre tract of land from property owned by Nathan Leistico and Kent Leistico as described in Exhibit A of the resolution."***