



Legislation Text

File #: 2017-4628, **Version:** 1

Consider a resolution determining the necessity and authorizing the use of the City's power of eminent domain to acquire a trail easement in and across a 0.424 acre tract from property owned by VHA Properties, LLC, a Texas limited liability company for the construction of proposed improvements to the Brushy Creek Trail Project, and take other appropriate action (Parcel 4).

The City's appraised value for this trail easement acquisition was \$9,700. The owner made a counteroffer demand of +/- \$159,000, which was rejected by the City.

This resolution reserves the City's right to use eminent domain to acquire the property 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 a trail easement in and across the following parcel of land for construction of proposed improvements to the Brushy Creek Trail project: a 0.424-acre tract from property owned by VHA Properties, LLC, as described in Exhibit A of the resolution."