



Legislation Text

File #: 2017-4627, **Version:** 1

Consider a resolution determining the necessity, and authorizing the use of the City's power of eminent domain to acquire fee title to a 0.086 acre tract, and a portion of the access rights to and from a portion of the remaining property after the acquisition, from property owned by The Walton Cotton Revocable Trust for the construction of proposed improvements to RM 620, and take other appropriate action (Parcel 25).

The City's/TxDOT's initial appraised value for the partial acquisition and damages to the remaining property is \$1,563,394. The fee title owners indicated to sell both the right of way parcel (0.086 ac.) and the remainder property (0.429 ac.) for the whole property appraised value of \$1,979,723, however the ground lease which operates the gas station and owns the improvements did not want to voluntarily join in the sale at that price, and after additional negotiations the owner and tenant have not been able to come to a satisfactory agreement between themselves for completing a voluntary sale.

This resolution simply reserves the City's right to use eminent domain to acquire the parcel 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 title and a portion of the access rights to the following parcel of land for construction of proposed improvements to the RM 620 project: a 0.086-acre tract from property owned by The Walton Cotton Revocable Trust, as described in Exhibit A of the resolution."