



## Legislation Text

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**File #:** 2021-102, **Version:** 1

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Consider a resolution determining the necessity for, and authorizing the use of the City's power of eminent domain to acquire a 0.650-acre trail easement interest from property owned by Circle 77, LLC and Circle 77 WR, LLC, required for the proposed Heritage Trail East improvement project.

The City's appraised value for the trail easement acquisition was \$31,710. The owners have disputed the opinions of underlying fee value, which the City's appraiser reduced due to the existence of a drainage easement for the flood area along Brushy Creek, and believe that such an encumbrance is offset by the enhancement of a "waterfront" amenity for the apartment site improvements.

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 a trail easement interest to the following parcel of land for construction of the proposed Heritage Trail East Project: a 0.650-acre tract of land from property owned by Circle 77, LLC and Circle 77 WR, LLC, as described in Exhibit A of the resolution."***