

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION AN EASEMENT TO CONSTRUCT, INSTALL AND MAINTAIN DRAINAGE, PUBLIC UTILITIES, PEDESTRIAN WAYS, AND BIKEWAYS, IN CERTAIN DESCRIBED PROPERTY AS PART OF THE BEE CREEK CHANNELIZATION COMBINED PROJECT AND ORDERING THE CONDEMNATION OF SAID PROPERTY TO PROCEED.

WHEREAS, the City Council of the City of College Station has heretofore determined to acquire the easements necessary for the installation, maintenance, repair, reconstruction, modification, removal, inspection of the Bee Creek Channelization Combined Project; and

WHEREAS, an independent professional appraisal report of the subject property has been submitted to the City, and the City Manager has accordingly established and approved a certain amount determined to be just compensation for the property, pursuant to the authority granted him by Resolution of the City Council on October 9, 2003; and

WHEREAS, an official written offer based upon an amount determined to be the just compensation has been transmitted to the owners of the real property described herein for an easement in the property as fully described in Exhibit A, attached hereto and incorporated herewith, and further negotiations for settlement have been futile and impossible because the parties were unable to agree on the amount of just compensation; and

WHEREAS, the City of College Station has complied with all prerequisites of the laws of the State of Texas to acquire an easement in the real property as described in Exhibit A, now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That the official offer by the City of College Station for an easement interest in the real property as described in the attached Exhibit A in the amount of Four Thousand Six Hundred Fourteen and No/100 Dollars (\$4,614.00) is hereby confirmed.

PART 2: That it is hereby determined that the City of College Station has in fact transmitted a bona fide offer to the property owners, in accord with the laws of the State of Texas, for the real property described in the attached Exhibit A. Further negotiations for settlement have been futile and impossible because the parties are unable to agree upon just compensation.

PART 3: That public necessity requires the acquisition of an easement in the property described in the attached Exhibit A for the construction, installation and maintenance of the Bee Creek Channelization Combined Project; which includes drainage, public utilities, pedestrian ways and bikeways; and that public necessity and convenience require the condemnation of the property in order to acquire it for such purpose.

PART 4: That the City Attorney is hereby authorized and directed to institute proceedings in eminent domain against FRANCESCO da CONTURBIA ROTA, now known as FRANCO DA CONTURBIA, and wife, SANDRA DA CONTURBIA, owners of the property described herein, and against all other owners, lienholders, and other holders of an interest in the property, in order to acquire an easement in the property described in the attached Exhibit A; said property lying and being situated in College Station, Brazos County, Texas.

PART 5: That the City Attorney is hereby authorized to deposit the Awards of the Commissioners from aforesaid proceedings into the registry of the Brazos County Court.

PART 6: That this resolution shall take effect immediately from and after its passage.

PASSED and APPROVED this _____ day of _____, 2004.

ATTEST:

APPROVED

CONNIE HOOKS, City Secretary

RON SILVIA, Mayor

APPROVED:

E-Signed by Carla A. Robinson
VERIFY Authenticity with Approver

City Attorney