

RESOLUTION DETERMINING NEED

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE A FEE SIMPLE INTEREST IN CERTAIN PROPERTY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE A FEE SIMPLE INTEREST IN PROPERTY FOR THE CEMETERY ACQUISITION PROJECT, ECONOMIC DEVELOPMENT AND/OR OTHER MUNICIPAL PURPOSES; AND ESTABLISHING PROCEDURES FOR THE ACQUISITION OF A FEE SIMPLE INTEREST IN THE PROPERTY.

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for each of the parcels in which to acquire an fee simple interest for the municipal cemetery acquisition project, economic development, and/or other municipal purposes; and

WHEREAS, there may be improvements located on some of the real property in which a fee simple interest is acquired for this Project, and such improvements may be required to be moved or demolished prior to the beginning of the Project; now, therefore,

BE IT RESOLVED by the City Council of the City of College Station, Texas:

- PART 1: That the City Council of the City of College Station, Texas, hereby officially determines that there is a public necessity for the municipal cemetery acquisition project, economic development, and/or other municipal purposes, and the public welfare and convenience will be served by the acquisition of a fee simple interest, save and except all oil, gas and other mineral rights to the property, below a depth of two hundred (200) feet from the actual surface of any portion of said property, provided that there shall never in any event be any ingress or egress on or across the surface of the property for the purposes of exploration, development, production or transportation of such oil, gas or other minerals, in properties referenced in Exhibit "A" attached hereto and made a part hereof for all purposes as part of the Cemetery Acquisition Project, for the purpose of municipal cemetery, economic development, and/or other municipal purposes.
- PART 2: That the City Manager is hereby authorized to contract, on behalf of the City of College Station, with a professional appraiser for the appraisal services, with a professional real estate agent to act as a land agent for the City and with attorneys for preparation of title opinions needed by the City from time to time in connection with acquisition of a fee simple interest in property for the municipal cemetery, economic development, and/or other municipal purposes.
- PART 3: That the City's Land Agent or other staff appraiser is hereby authorized and directed to examine the independent appraisal reports as they are submitted to the City to determine whether said appraisal reports are supported by sufficient data. Based upon such examination of said appraisal reports, the Land Agent or other appraiser shall make a recommendation to the City Manager as to the establishment and approval of the amount of the just compensation for the fee simple interest in said parcel.

PART 4: After consideration of said recommendation, the City Manager shall establish and approve the amount determined for acquisition of a fee simple interest in the parcels.

PART 5: Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of a fee simple interest, the City's Land Agent is authorized to communicate a written offer to the owners of said parcels for the acquisition of a fee simple interest in said parcel at the full amount determined and established to be just compensation therefore and to negotiate with said owners on behalf of the City.

PART 6: That the Mayor after approval by City Council is hereby authorized to execute all documents necessary to acquire a fee simple interest in each of the parcels needed for said Project, on behalf of the City of College Station.

PART 7: That the City Manager be and is hereby authorized to sell any such surplus improvements, or order the demolition thereof, if any, located on the real property acquired in connection with this Project.

PART 8: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 2004.

ATTEST:

APPROVED:

CONNIE HOOKS, City Secretary

RON SILVIA, Mayor

APPROVED:



City Attorney