

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION AN EXCLUSIVE PUBLIC UTILITY EASEMENT IN CERTAIN DESCRIBED PROPERTY AND A TEMPORARY CONSTRUCTION EASEMENT IN CERTAIN DESCRIBED PROPERTY TO INSTALL AND MAINTAIN WATER LINES AND ASSOCIATED FACILITIES FOR THE TRANSPORT AND TRANSMISSION OF WATER, 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 exclusive public utility easements and related temporary construction easements necessary for the installation, maintenance, repair, reconstruction, modification, removal, and inspection of the Water Project; and

WHEREAS, an independent professional appraisal report of the subject properties has been submitted to the City, and the City Manager has accordingly established and approved a certain amount determined to be just compensation for each property, pursuant to the authority granted him by Resolution of the City Council on July 22, 2002, said Resolution being amended on April 10, 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 properties described herein for the exclusive public utility easements in the property fully described by Exhibits A, B and C, and the temporary construction easements in the property fully described by Exhibits A-TE, B-TE and C-TE, said exhibits are 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 the exclusive public utility easement in the real property described by Exhibits A, B and C, and the temporary construction easement interest in the property fully described by Exhibits A-TE, B-TE and C-TE, 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 the exclusive public utility easement and the temporary construction easement in the real property described by the attached exhibits in the amounts stated below is hereby confirmed.

The official offer for the property described by Exhibit A (Exclusive Public Utility Easement) and Exhibit A-TE (Temporary Construction Easement) was Twenty Four Thousand Nine Hundred Sixty Five Dollars (\$24,965.00).

The official offer for the property described by Exhibit B (Exclusive Public Utility Easement) and Exhibit B-TE (Temporary Construction Easement) was Six Thousand One Hundred Thirty Four Dollars (\$6,134.00).

The official offer for the property described by Exhibit C (Exclusive Public Utility Easement) and Exhibit C-TE (Temporary Construction Easement) was Fifteen Thousand Eight Hundred Thirty One Dollars (\$15,831.00).

PART 2: That it is hereby determined that the City of College Station has in fact transmitted a bona fide offer to each of the property owners, in accord with the laws of the State of Texas, for the real property described in the attached Exhibits. 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 the exclusive public utility easements in the properties described in the attached Exhibits A, B, and C the temporary construction easement interest in the property described by Exhibits A-TE, B-TE and C-TE, for the installation and maintenance of the Water Project, and that public necessity and convenience require the condemnation of the properties in order to acquire them for such purpose.

PART 4: That the City Attorney is hereby authorized and directed to institute proceedings in eminent domain against the property owners listed below and against all other owners, lienholders, and other holders of an interest in the properties, in order to acquire an exclusive public utility easement in the properties described in the attached Exhibits A, B and C; and a temporary construction easement interest in the properties described in the attached Exhibits A-TE, B-TE and C-TE; said properties lying and being situated in Brazos County, Texas.

The owner of the property described by Exhibits A and A-TE is Whitworth Financial, Inc.

The owner of the property described by Exhibits B and B-TE is Johnny Mancuso.

The owner of the property described by Exhibits C and C-TE is KKJM Investments Limited Partnership.

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 _____, 2005.

ATTEST:

APPROVED

CONNIE HOOKS, City Secretary

RON SILVIA, Mayor

APPROVED:

E-Signed by Roxanne Nemcik
VERIFY authenticity with ApproveIt

City Attorney