

RESOLUTION DETERMINING NEED

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE FEE SIMPLE INTEREST AND MINERAL INTEREST IN CERTAIN PROPERTY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE FEE SIMPLE INTEREST AND MINERAL INTEREST IN PROPERTY FOR THE ROCK PRAIRIE ROAD LANDFILL SOIL DEFICIT MANAGEMENT PROJECT; AND ESTABLISHING PROCEDURES FOR THE ACQUISITION OF FEE SIMPLE INTEREST AND MINERAL INTEREST IN THE PROPERTY.

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for the parcel in which to acquire fee simple interest and mineral interest for the Rock Prairie Road Landfill Soil Deficit Management Project; and

WHEREAS, there may be improvements located on some of the real property in which fee simple interest and mineral 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 Rock Prairie Road Landfill Soil Deficit Management Project, and the public welfare and convenience will be served by the acquisition of fee simple interest and mineral interest in property described in Exhibits "A" and "B" attached hereto and made a part hereof for all purposes as part of the Rock Prairie Road Landfill Soil Deficit Management Project, for the purpose of mining and removing soil to be used at the Rock Prairie Road municipal landfill.
- 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 fee simple interest and mineral interest in the property for the Rock Prairie Road Landfill Soil Deficit Management Project.
- 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 fee simple interest and mineral interest in said parcel.
- PART 4: After consideration of said recommendation, the City Manager shall establish and approve the amount determined for acquisition of fee simple interest and mineral interest in the parcel.
- PART 5: Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of the fee simple interest and mineral interest in the parcel, the City's Land Agent is authorized to communicate a written offer to the

owners of said parcel for the acquisition of the fee simple interest and the mineral 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 fee simple interest and mineral interest in the parcel 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. 2005.

ATTEST:

APPROVED:

CONNIE HOOKS, City Secretary

RON SILVIA, Mayor

APPROVED:



City Attorney

EXHIBIT "A"

Legal Description of the Land:

Being all that certain 76.00 acres, more or less, tract or parcel of land lying and being situated in the THOMAS CARUTHERS SURVEY, Abstract No. 9, and being out of that called 120 acre tract conveyed in deed from Dymple Carl Creagor, et al to Dolly Dymple Creagor Olden, recorded in Volume 168, Page 339, Deed Records of Brazos County, Texas. Said 76.0 acre tract is more particularly described and depicted by Exhibit "B", attached hereto and incorporated herein for all intents and purposes.

NOTE: Current metes and bounds description is to be prepared by a Registered Professional Land Surveyor.

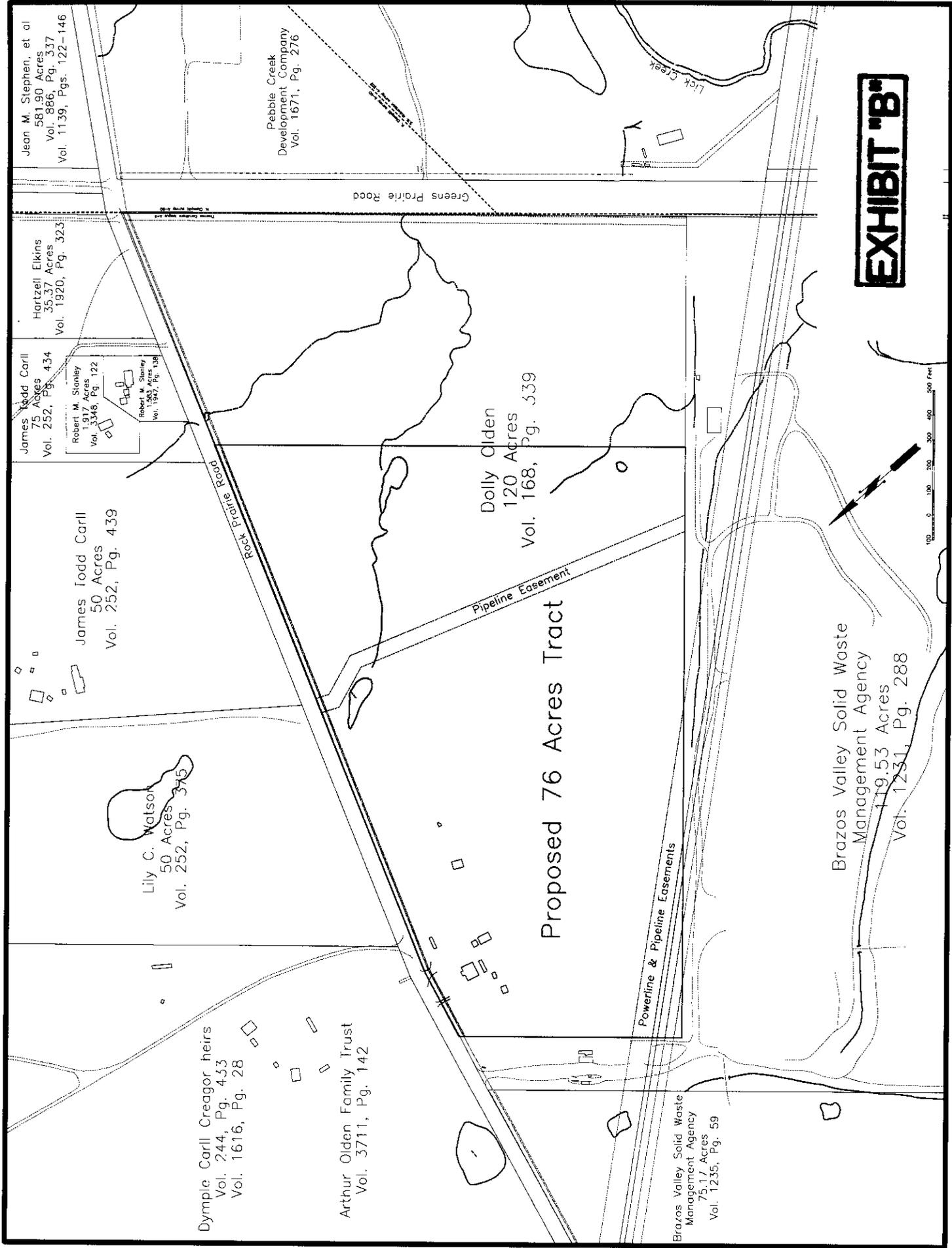


EXHIBIT "B"

Jean M. Stephen, et al
581.90 Acres
Vol. 886, Pg. 337
Vol. 1139, Pgs. 122-146

Pebble Creek
Development Company
Vol. 1671, Pg. 276

Hartzell Elkins
35.37 Acres
Vol. 1920, Pg. 323

James Todd Carlil
75 Acres
Vol. 252, Pg. 434

Robert M. Stonley
1917 Acres
Vol. 3346, Pg. 122

Robert M. Stonley
1363 Acres
Vol. 1997, Pg. 138

James Todd Carlil
50 Acres
Vol. 252, Pg. 439

Lily C. Watson
50 Acres
Vol. 252, Pg. 375

Dolly Olden
120 Acres
Vol. 168, Pg. 539

Proposed 76 Acres Tract

Brazos Valley Solid Waste
Management Agency
119.53 Acres
Vol. 1231, Pg. 288

Dympie Carlil Creagar heirs
Vol. 244, Pg. 453
Vol. 1616, Pg. 28

Arthur Olden Family Trust
Vol. 3711, Pg. 142

Brazos Valley Solid Waste
Management Agency
75.17 Acres
Vol. 1235, Pg. 59