

RESOLUTION NO. RE-3267-16

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS AUTHORIZING THE USE OF EMINENT DOMAIN AND AUTHORIZING THE CITY ATTORNEY TO BRING A CONDEMNATION ACTION FOR THE PURPOSE OF OBTAINING FEE TITLE TO LOT 10, BLOCK 5, SHANNON CREEK ADDITION, MANSFIELD, TARRANT COUNTY, TEXAS, COMMONLY KNOWN AS 1416 HOLLEY CREEK LANE FOR THE PURPOSE OF CONSTRUCTING SANITARY SEWER IMPROVEMENTS, AND FOR OTHER PUBLIC PURPOSES PERMITTED BY LAW.

WHEREAS, the City of Mansfield (the “City”) is in the process of acquiring property for the public use and purpose of constructing sanitary sewer system improvements for the Holley Creek Sewer Realignment Project (the “Project”), which will serve existing and future development in the City; and

WHEREAS, in order to complete construction of the Project, it is necessary for the City to acquire property across which the Project will be located; and

WHEREAS, the City and the owner of the following property have been unable to reach an agreement on the acquisition of the property necessary for the Project (the “Property”):

Property Owner:	Tuong-An Wong
Property Location:	1416 Holley Creek Lane, Mansfield, Texas
Property Description:	An approximate 0.3736 acre tract of land, being Lot 10, Block 5, Shannon Creek Addition, Mansfield, Texas, as further described in Exhibit A;

WHEREAS, the City made a written initial offer dated May 10, 2016 to the property owner to purchase the Property, and provided the property owner with a copy of the Landowner’s Bill of Rights and the City’s appraisal of the Property, as required by law; and

WHEREAS, the property owner notified the City that they declined the initial offer; and

WHEREAS, the City made a written final offer dated June 23, 2016 to the property owner to purchase the Property, and provided the property owner with a proposed conveyance document, as required by law; and

WHEREAS, the property owner has declined the final offer; and

WHEREAS, the City Council finds and determines that the acquisition of the Property is necessary for the Project and the use of the Property for the Project constitutes a public use for a public purpose; and

WHEREAS, the City Council deems it necessary to authorize the City Attorney to initiate condemnation proceedings in order to acquire title to the Property for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

SECTION 1.

The City Council of the City of Mansfield, Texas, hereby finds and determines that the recitals made in the preamble of this Resolution are true and correct, and incorporates such recitals herein.

SECTION 2.

The City Council of the City of Mansfield, Texas, hereby finds and determines that a public use and necessity exists for the City of Mansfield, Texas, to acquire the Property, as more particularly described on the attached Exhibit A, which is incorporated herein by reference, from the owner of the Property for the purpose of the above described Project.

SECTION 3.

The City Attorney is hereby authorized to comply with the necessary legal prerequisites relating to the exercise of eminent domain to acquire the Property and to bring a condemnation lawsuit against the owner of the Property, and any and all other parties having an interest in the Property, for the purpose of acquiring the Property through the exercise of the City's power of eminent domain.

SECTION 4.

The City Council hereby finds and determines that the Property is necessary for the City to construct the Project, which is a public use and is necessary to serve the public health, safety and welfare.

SECTION 5.

This Resolution shall take effect from and after the date of its passage.

PASSED AND APPROVED THIS THE 25th day of July 2016.

David Cook, Mayor

ATTEST:

Jeane Heard, City Secretary

EXHIBIT A

PROPERTY DESCRIPTION

An approximate 0.3736 acre tract of land, Lot 10, Block 5, Shannon Creek Addition, Mansfield, Texas, commonly known as 1416 Holley Creek Lane, Mansfield, Texas