

RESOLUTION NO. _____**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE FILING OF EMINENT DOMAIN PROCEEDINGS FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR USE BY THE CITY FOR MAINTENANCE OF THE CITY'S PARK AND TRAIL SYSTEM, AND FOR OTHER PUBLIC PURPOSES PERMITTED BY LAW**

WHEREAS, the City of Mansfield desires to maintain its park and trail system (the "Project") to serve existing and future development in the City; and,

WHEREAS, for more than twenty (20) years the City believed that it owned certain property that was conveyed to the City by deed for the Project; and,

WHEREAS, a lawsuit was recently filed disputing the title to that certain property; and,

WHEREAS, in order to remove all doubt as to ownership and to complete the Project, it is necessary for the City to acquire from the purported owner all of that certain property, specifically:

Lots 52R2, 53R2, 54R2, 57R2, 58R2, 59R2, 60R2, 61R2, 62R2, 63R2, 64R2, 65R2, 66R2, 67R2, 68R2, 69R2, 70R2, and 71R2 of Block 5, The Arbors of Creekwood Addition to the City of Mansfield, Tarrant County, Texas; and,

WHEREAS, the purported property owner and the City have not been able to reach an agreement for the acquisition of the needed property; and,

WHEREAS, the City Council finds and determines that the acquisition of the above real property for the Project constitutes a public use for a public purpose; and,

WHEREAS, the City Council now deems it necessary to authorize the law firm of Taylor, Olson, Adkins, Sralla & Elam, L.L.P. to initiate condemnation proceedings in order to acquire the necessary property.

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

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 hereby finds and determines that a public necessity exists for the Project and that the acquisition of the above referenced real property, which is more fully described in Exhibit "A," which exhibit is attached to this Resolution and incorporated into this Resolution for all purposes, is necessary for such purposes.

SECTION 3.

The law firm of Taylor, Olson, Adkins, Sralla & Elam, L.L.P. is hereby authorized to bring condemnation proceedings against the Owner, and any and all other parties having an interest in the above referenced property, for the purpose of acquiring such real property through the exercise of the City's power of eminent domain, provided that the following conditions are first met:

- (a) The City will obtain ownership information and a legal description for the parcels to be acquired;
- (b) If the property Owner and/or other parties are located through the exercise of due diligence, the City Manager, or his designated representative, will:
 - (1) Make an initial offer to the Owner and/or other parties for the purchase of the above referenced real property;
 - (2) Make a final offer to the Owner and/or other parties for the purchase of the above referenced real property;
 - (3) When the final offer to purchase is made, the City Manager or his representative will disclose to the Owner and/or other parties, all existing appraisal reports or value studies produced or acquired by the City relating to the Owner's or parties' property and used by the City in determining the amount of the final offer;
 - (4) If the Owner and/or other parties fail or refuse to accept the City's final offer, the City Manager may direct the law firm of Taylor, Olson, Adkins, Sralla & Elam, L.L.P. to file eminent domain proceedings.
- (c) When the Owner and/or any other parties cannot be located through the exercise of due diligence, the law firm of Taylor, Olson, Adkins, Sralla & Elam, L.L.P. may skip the actions described in paragraph (b) and may file eminent domain proceedings against such Owner and/or other parties, and shall cite such Owner and/or other parties, who cannot be located, by publication in the manner authorized by law.
- (d) The City Council hereby authorizes the City Manager to make initial and final offers to the Owner of such property in such amount as the City Manager determines to be just compensation for conveyance to the City of Mansfield of the above referenced easements, based upon appraisals or valuation information available to the City Manager.

SECTION 4.

The City Council hereby finds and determines that the above described real property is needed so that the City of Mansfield can complete the Project, which is a public purpose and is necessary to serve the public health, safety and welfare.

SECTION 5.

This Resolution shall take effect upon its adoption, and it is so Resolved.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MANSFIELD THIS 8TH DAY OF JANUARY, 2024.**

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary