



## Legislation Text

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**File #:** 16-2107, **Version:** 1

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Resolution - A Resolution of the City of Mansfield, Texas Authorizing the Filing of Eminent Domain Proceedings for the Purpose of Obtaining Real Property and Easements for Use by the City for the Construction of Sanitary Sewer Line Improvements and Facilities to Serve Existing and New Development and for Other Public Purposes Permitted by Law

Consideration of the Resolution. The law requires that the vote to authorize the use of eminent domain to be a record vote. The motion used to adopt the resolution to initiate condemnation proceedings be made with the exact motion language as specified in the statute. The exact motion language to be read by a Council member is:

"Resolution No. RE-3307-16 addresses two separate properties. The first record vote applies to all units of property to be condemned under the Resolution. And the minutes shall reflect that the first record vote we take will apply to all units of property to be condemned under the Resolution.

I move that the City of Mansfield authorize the use of the power of eminent domain to acquire the following property: A Permanent Sanitary Sewer Easement and Temporary Construction Easement from Harper Cattle, LLC, out of the property generally located on the northwest side of Lakeview Drive and the southwest side of US 287, Grand Prairie, Ellis County, Texas, and said property interests being more particularly described in Exhibits A - B to Resolution No. RE-3307-16; and a Permanent Sanitary Sewer Easement, Permanent Access Easement, Permanent Drainage Easement, Permanent Utility Easement, two Temporary Construction Easements, and a Fee Title Acquisition from Robert C. Kilchenstein and Julia M. Kilchenstein, out of the property generally located on the south side of St. Paul Road and west of US 287, Grand Prairie, Ellis County, Texas, and said property interests being more particularly described in Exhibits C - H to Resolution No. RE-3307-16; for the construction and maintenance of sanitary sewer line improvements and facilities, and further move to approve Resolution No. RE-3307-16 as presented."

The Engineering Staff recommends the authorization of a condemnation action.

The referenced easements and real property are for the purpose of constructing the off-site Mountain Creek Sewer Interceptor that will serve the Somerset Planned Development. The Sewer Line will also provide sewer service in the larger Mountain Creek basin in the southern region of Mansfield and its ETJ. These easements and real property have been appraised and attempts made to negotiate with the property owners by the developer and representatives from the City Attorney's office. Negotiations have not been successful and construction must progress as soon as possible.

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The Public Works Director will be in attendance at the meeting to answer Council's questions.

Utility Revenue Bond Fund

Bart VanAmburgh, P.E., Acting Director of Public Works, 817-276-4233