

RESOLUTION NO. 2018-

A RESOLUTION DETERMINING A PUBLIC NECESSITY TO ACQUIRE REAL PROPERTY INTERESTS IN CERTAIN PROPERTIES AND AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN FOR THE CLAREMONT CONNECTOR HIKE & BIKE TRAIL PROJECT; AUTHORIZING THE CITY ATTORNEY TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, SPECIFICALLY INCLUDING CHAPTER 21 OF THE TEXAS PROPERTY CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED, BY A RECORD VOTE, IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, a public necessity exists for the construction of improvements associated with the Claremont Connector Hike and Bike Trail (the "Project") and that the public welfare and benefit would be served by the acquisition of certain real property interests in properties (the "Properties") described and depicted under Attachment Number 1; and

WHEREAS, the City Council has determined it necessary, in the event(s) the City is unable to reach agreement with the owner(s) of Properties on an amount of just compensation to be paid to such owner(s) for the City's acquisition of the parcels of land held by such owner(s), to institute proceedings in condemnation to acquire the above-stated property interests and wishes to authorize the City Attorney to cause to be filed the necessary instruments pursuant to applicable law in order to acquire the above-stated property interests;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble of this Resolution are true and correct.

Section 2. The City Council of the City of League City, Texas, hereby determines that there is a public necessity for the Project, and the public welfare and benefit will be served by the acquisition of the Properties as part of the Project for the purpose of connecting the subdivisions of Claremont Park, Cedar Landing, and Clear Creek Meadows to the existing trails at Clear Creek Meadows (to the East) and Rustic Oaks (to the West).

Section 3. The City Council of the City of League City, Texas does hereby authorize the City Attorney, in the event(s) the City is unable to reach agreement with the owner(s) of Properties on an amount of just compensation to be paid to such owner(s) for the City's acquisition of the parcels of land held by such owner(s), to initiate proceedings in condemnation to acquire the real property described and depicted in Attachment Number 1 to this resolution by the filing of necessary pleadings in an appropriate court of law in Galveston County, Texas.

Section 4. The City Council of the City of League City, Texas further finds that legal proceedings for condemnation of the property interests relating to the Project are in compliance with the requisites of law in that such condemnation is not to confer, or is a pretext to confer, a private benefit on a particular party, and is not primarily for economic benefit, but that such property is necessary for needed infrastructure and serves a public use.

Section 5. All resolutions and agreements and parts of resolutions and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED AND APPROVED the _____ day of _____, 2018.

PAT HALLISEY
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney