

RESOLUTION NO. 2015-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS 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 CONSTRUCTION OF PAVING AND DRAINAGE IMPROVEMENTS FOR THE CALDER ROAD – ERVIN TO LEAGUE CITY PARKWAY PROJECT AND BUTLER/TURNER IMPROVEMENTS PROJECT AND FOR THE CONSTRUCTION OF WASTEWATER SYSTEM IMPROVEMENTS FOR THE 30-INCH GRAVITY SEWER ON CALDER ROAD 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; 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 paving and drainage improvements associated with the Calder Road – Ervin to League City Parkway Project and the Butler/Turner Improvements Project and for the construction of wastewater system improvements for the 30-Inch Gravity Sewer on Calder Road Project, (collectively the “Projects”) and that the public welfare and benefit would be served by the acquisition of certain real property interests in properties described and depicted in Exhibits “A” and “B” (the “Properties”); and

WHEREAS, the City Manager and/or Deputy City Manager or his designee was authorized to communicate a written offer to the owners of the Properties for the acquisition of needed real property interests and to negotiate for and to acquire such property interests for the City of League City, Texas; and

WHEREAS, due to the inability to reach agreement with the owner(s) of the 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), the City Council has determined that it is now necessary 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 Calder Road – Ervin to League City Parkway Project, the Butler/Turner Improvements Project, and the 30-Inch Gravity Sewer on Calder Project, and the public welfare and benefit will be served by the acquisition of the Properties as part of the Projects, for the purpose of paving, drainage, and wastewater system improvements.

Section 3. The City Council of the City of League City, Texas does hereby authorize the City Attorney to initiate proceedings in condemnation to acquire the Properties 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 Projects 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 ADOPTED the _____ day of _____, 2015.

TIMOTHY PAULISSEN,
Mayor

ATTEST:

DIANA M. STAPP,
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney