

CITY OF COPPELL, TEXAS

RESOLUTION NO. _____

A RESOLUTION PROVIDING FOR AND CONSENTING TO THE EXERCISE OF EMINENT DOMAIN AS AUTHORIZED BY THE CITY COUNCIL OF THE CITY OF COPPELL, TEXAS; PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF A PORTION OF THE PROPERTY DESCRIBED IN EXHIBIT A AND B AND COMMONLY REFERRED TO AS 192 SOUTH FREEPORT PARKWAY WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF COPPELL, DALLAS COUNTY, TEXAS; DECLARING A PUBLIC NECESSITY EXISTS AND FINDING A PUBLIC USE AND PURPOSE FOR THE WELFARE AND CONVENIENCE OF THE CITIZENS, REQUIRES THE TAKING AND ACQUIRING OF PROPERTY FOR THE EXPANSION OF ROADWAY, THAT CERTAIN TRACT WHICH WILL BE BURDENED WITH THE ROADWAY EXPANSION IS LOCATED ON THE EAST LINE OF SOUTH FREEPORT PARKWAY APPROXIMATELY 1500 FEET SOUTH OF WEST SANDY LAKE ROAD; PROVIDING FOR AN OFFER TO PURCHASE THE PERMANENT RIGHT OF WAY FOR JUST COMPENSATION AND IF SUCH OFFER IS REFUSED, AUTHORIZING COUNSEL TO INSTITUTE NECESSARY PROCEEDINGS IN CONDEMNATION TO ACQUIRE THE PROPERTY FOR STREET WIDENING AND RELATED PUBLIC PURPOSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Coppel (“City”) wishes to provide for the health and welfare of its citizens; and

WHEREAS, the City is a home rule City with specific, enumerated powers to provide for the health, safety and general welfare of its citizens; and

WHEREAS, it is hereby determined that a public necessity exists, and that a public use and purpose for the welfare and convenience of the citizens requires the acquisition of permanent right of way for street widening purposes, with such right of way vesting in the City burdening the hereinafter described property, for the public purpose of constructing and maintaining right of way for public streets and utility improvements; and

WHEREAS, the City is authorized pursuant to Chapter 251, TEX. LOCAL GOV’T CODE, to exercise the right or power of eminent domain for public purposes to acquire property, whether located inside or outside the municipality, where necessary for the purpose of providing a thoroughfare system, a waterworks system, water storage, drainage, treatment, distribution, transmission, or sewage system, including sewage collection, drainage, treatment, disposal, and emptying facilities or any other public purpose recognized under state law; and

WHEREAS, the City is authorized to exercise the power of eminent domain to acquire said tract of land more fully described herein and depicted in Exhibit A and B, which is attached hereto and incorporated herein; and

WHEREAS, the City is acquiring such land in accordance with state law; and

WHEREAS, the parcel of land so described herein will be appraised in accordance with the provisions of Chapter 21, TEX. PROPERTY CODE to establish just compensation as provided therein;

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

Section 1. That City Manager or designee is hereby authorized and directed to implement the applicable provisions of this Resolution.

Section 2. That a public necessity exists and public use and purpose for the public welfare and convenience require the acquisition of a portion of the property located at 192 South Freeport Parkway for the purpose of providing a thoroughfare system, a waterworks system, water storage, drainage, treatment, distribution, transmission, or sewage system, including sewage collection, drainage, treatment, disposal, and emptying facilities or any other public purpose recognized under state law for Freeport Parkway, being a public thoroughfare, with title vesting in the City of Coppell, Texas, in that certain tract or parcel of land containing approximately 0.138 (+/-) acres of land in the name of the City of Coppell in, over and across the property owned by Joe Charles Hardman depicted in Exhibit A and B, attached hereto and made a part hereof for all purposes.

Section 3. That the public is required to obtain the subject tract for the expressed public purpose of expanding and extending public right-of-way for the widening of Freeport Parkway; as depicted on the current City of Coppell thoroughfare plan.

Section 4. That the city council of the City of Coppell hereby finds that there is a public necessity and public use and purpose required to acquire the permanent right of way and the size, scope, width and dimensions set forth herein and for the purposes stated in this Resolution.

Section 5. That an offer of a just and adequate compensation based on fair market value shall be made for the said 0.138(+/-) acre tract of land, more or less, including damages to the remainder, if any. Said offer having been based on an independent appraisal. The City Manager, or designee, is hereby authorized and directed to make an offer for the acquisition of the permanent right of way to the owner of the property.

Section 6. That in the event the offer described herein is refused or not accepted by the owner of the property, the City Attorney is hereby authorized and directed on behalf of the City to file the necessary eminent domain proceedings or suit and to take whatever action may be necessary against the owner and any other parties having interest in the property to acquire the property for such public purpose as set forth herein with such title vesting in the City of Coppell.

Section 7. That if it should be subsequently determined that additional parties other than those named herein have an interest in said property then the City Attorney or designee is authorized and directed to join said parties as defendants in said condemnation. If it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the City Attorney, or designee, is authorized to have such errors corrected or revisions made without the necessity obtaining City Council approval authorizing condemnation of the corrected or revised property.

Section 8. That if for any reason any section, paragraph, subdivision, clause, phrase or provision of this Resolution shall be held invalid, it shall not affect any valid provisions of this or any other Resolution of the City of Coppell to which these rules and regulations relate.

Section 9. That the City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Resolution.

Section 10. That this Resolution shall take effect on and after its adoption by the City Council of the City of Coppell.

PASSED AND APPROVED this _____ day of _____, 2013.

APPROVED:

By: _____
Karen Selbo Hunt, Mayor

ATTEST:

By: _____
Christel Pettinos, City Secretary

APPROVED AS TO FORM:

By: _____
Robert E. Hager, City Attorney