

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AUTHORIZING STAFF TO OBTAIN AN APPRAISAL AND LAND SURVEY OF REAL PROPERTY IN JOHNSON COUNTY, TEXAS, BEING A PORTION OF 1324 COUNTY ROAD 914 NECESSARY TO ALLOW FOR THE EXPANSION OF LAKEWOOD DRIVE AND FOR OTHER PUBLIC PURPOSES.

WHEREAS, the City of Burleson, Texas (“City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council believes that to promote the public safety and public health, to facilitate the safety and movement of traffic, to facilitate the safety and movement of wastewater, the public convenience and necessity require the acquisition of real property along Lakewood Drive from the tract or parcel commonly known as 1324 County Road 914 in Johnson County, Texas, the exact size and dimension of which is unknown at this time but is approximated at 7,726 square feet (the “Property”), owned by M. O. Bush, an individual (the “Owner”), for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of Lakewood Drive and for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of wastewater lines and facilities (the “Project”), as a part of the improvements to the Project; and

WHEREAS, the City has not obtained a land survey of the Property to determine the exact size and dimension of the Property necessary for the Project; and

WHEREAS, the City has not obtained an independent, professional appraisal report of the Property to establish just compensation for the property rights to be acquired; and

WHEREAS, in accordance with Chapter 21 of the Texas Property Code, the City cannot file a petition to eminent domain the Property until the City has made a final bona fide offer to the Owner for the Property that includes a written appraisal from a certified appraiser of the Property and damages to the remainder, if any;

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

Section 1.

The City Manager is authorized to negotiate an agreement to acquire the Property with the Owner, subject to approval of the agreement and acquisition price by the City Council.

Section 2.

The City Manager is authorized to negotiate with the Owner to obtain a land survey and appraisal

of the Property by amicable means. If the City and Owner do not reach an agreement to allow for the survey and appraisal of the Property, the City Attorney is authorized to take legal action and make legal filings on behalf of the City necessary to obtain a land survey and appraisal of the Property.

Section 3.

This resolution shall take effect immediately from and after its passage.

PASSED, APPROVED, AND SO RESOLVED by the City Council of the City of Burleson, Texas, on the _____ day of _____, 20____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO LEGAL FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney