

RESOLUTION NO. CSO#-5842-07-2025

A RESOLUTION OF THE CITY OF BURLESON, TEXAS AUTHORIZING THE COMMENCEMENT OF NEGOTIATIONS AND, IF NECESSARY, THE FILING OF EMINENT DOMAIN PROCEEDINGS FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR USE BY THE CITY FOR THE CONSTRUCTION AND MAINTENANCE OF DRAINAGE AND ROADWAY IMPROVEMENTS AS PART OF THE HOOPER BUSINESS PARK DRAINAGE IMPROVEMENTS AND REALIGNMENT OF COUNTY ROAD 1019 PROJECT TO SERVE EXISTING AND NEW DEVELOPMENT IN THE CITY AND FOR OTHER PUBLIC PURPOSES PERMITTED BY LAW.

WHEREAS, the City of Burleson, Texas, (the “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 is in the process of constructing drainage and roadway improvements as part of the Hooper Business Park Drainage Improvements and Realignment of County Road 1019 Project (the “Project”) to serve existing and new development in the City; and

WHEREAS, in order to complete construction of the Project, it is necessary for the City to acquire certain land and easements from the property owners who own land across which the Project will be located; and

WHEREAS, the City and the owner of the following properties have been unable to reach an agreement on the acquisition of the following needed land and easements:

- a 0.453 acre (19,738 square feet) tract of land (**Exhibit A**) on property described in Document No. 2014-23765, Official Records, Johnson County, Texas;
- a 0.029 acre (1,254 square feet) permanent drainage easement (**Exhibit B**) on property described in Document No. 2014-23765, Official Records, Johnson County, Texas; and

WHEREAS, the City Council finds and determines that the acquisition of the above land and easement for the Project is necessary and constitutes a public use for a public purpose; and

WHEREAS, the City Council now deems it necessary to authorize the law firm of Taylor, Olson, Adkins, Sralla & Elam, L.L.P. (the “City Attorney”) to initiate condemnation proceedings in order to acquire the necessary land and easement.

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

SECTION 1.

The City Council of the City hereby finds and determines that the recitals made in the preamble of this Resolution are true and correct, and incorporates such recitals herein.

SECTION 2.

The City Council hereby finds and determines that a public necessity exists for the Project and that the acquisition of the above referenced land and easement, which are more fully described in **Exhibits A and B** (the "Land and Easement"), which exhibits are incorporated into this Resolution for all purposes, is necessary for the Project.

SECTION 3.

The City Attorney is hereby authorized and directed to bring condemnation proceedings against the owner, and any and all other parties having an interest in the underlying properties, for the purpose of acquiring the Land and Easement through the exercise of the City's power of eminent domain, given that that the following conditions have already been met:

- (a) The City obtained ownership information to identify the owner and/or other parties through the exercise of due diligence and a legal description for each parcel to be acquired;
- (b) The City Manager, or his designated representative, has:
 - (1) Made an initial offer to the owner and/or other parties for the purchase of the Land and Easement;
 - (2) Made a final offer to the owner and/or other parties for the purchase of the Land and Easement; and
 - (3) Disclosed to the owner and/or other parties all existing appraisal reports or value studies produced or acquired by the City relating to the owner's or other parties' property and used by the City in determining the amount of the final offer; and
- (c) The owner and/or other parties failed or refused to accept the City's final offer.

SECTION 4.

Should the owner and/or other parties not be able to be located through the exercise of due diligence, the City Attorney may skip the actions described in paragraph (b) and may file eminent domain proceedings against such owner and/or other parties and shall cite such owners and/or other parties who cannot be located by publication in the manner authorized by law.

SECTION 5.

The City Council hereby finds and determines that the Land and Easement are needed so that the City of Burleson can construct and maintain the Project, which is a public purpose and is necessary to serve the public health, safety, and welfare.

SECTION 6.

This Resolution shall become effective immediately upon its passage, and it is so Resolved.

ADOPTED this ____ day of _____, 2025.

Chris Fletcher, Mayor

ATTEST:

Amanda Campos, City Secretary

EXHIBIT A

EXHIBIT B

EXHIBIT "A"
40' WIDE DRAINAGE EASEMENT
SITUATED IN THE JAMES L. GANT SURVEY, ABSTRACT No. 316
CITY OF BURLESON, JOHNSON COUNTY, TEXAS

BEING a 0.029 acre tract of land situated in the James L. Gant Survey, Abstract No. 316, City of Burleson, Johnson County, Texas, being a part of a called 7.642 acre tract of land described in the deed to Sean Kirby, as recorded in Document No. 2014-23765, Official Records, Johnson County, Texas (ORJCT) and being more particularly described as follows:

COMMENCING at a 1/2" capped iron rod stamped "GSI Surveying" found for the most southerly east corner of said 7.642 acre tract and the south corner of a called 7.001 acre tract of land described in the deed to Blake Evan Foust and Paula Jo Foust, Trustees of the Blake and Paula Foust Living Trust, as recorded in Document No. 2024-15770, ORJCT, and in the northwest right-of-way line of County Road 1019 (a variable width right-of-way);

THENCE in a northwesterly direction, with the common line of said 7.642 acre tract and said 7.001 acre tract, the following courses and distances:

North 77°46'26" West, a distance of 39.24 feet to a 1/2" iron rod found for corner;

North 56°54'55" West, a distance of 39.13 feet to a 1/2" iron rod found for corner;

North 43°47'43" West, a distance of 355.10 feet to an interior ell corner of said 7.642 acre tract and the west corner of said 7.001 acre tract;

North 13°38'08" East, a distance of 5.89 feet to the **POINT OF BEGINNING**;

THENCE over and across said 7.642 acre tract, the following courses and distances:

North 43°50'22" West, a distance of 47.44 feet to a point for corner, from which a 1" iron rod found for a west corner of said 7.642 acre tract and in the east right-of-way line of County Road 1902 (an 80 foot wide right-of-way), bears North 55°08'05" West, a distance of 213.94 feet;

North 13°38'08" East, a distance of 18.60 feet to a point for corner;

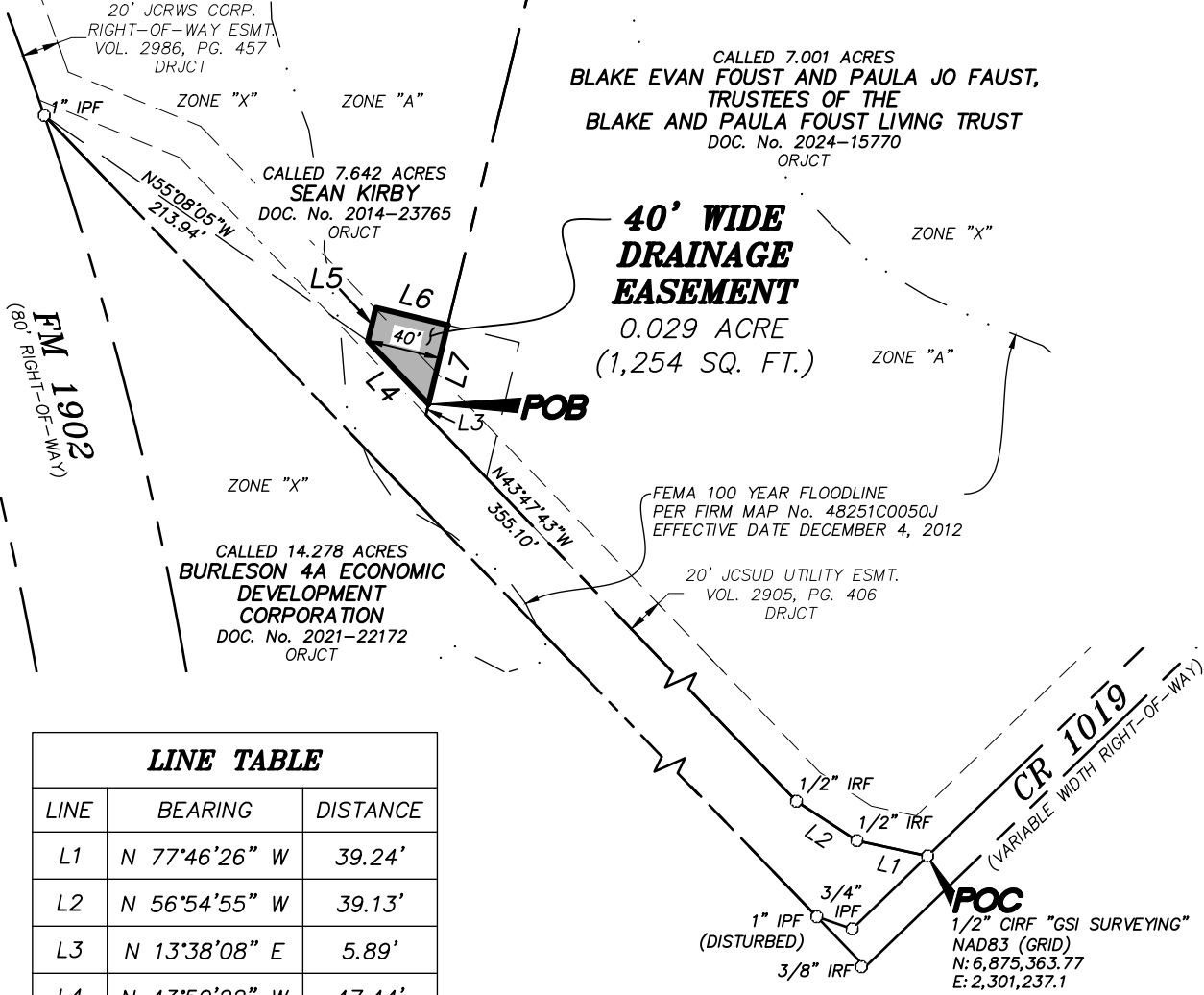
South 76°21'52" East, a distance of 40.00 feet to a point for corner in the common line of said 7.642 acre tract and said 7.001 acre tract;

THENCE South 13°38'08" West, with the common line of said 7.642 acre tract and said 7.001 acre tract, a distance of 44.11 feet to the **POINT OF BEGINNING** and containing 1,254 Square Feet or 0.029 of an Acre of Land, more or less.

EXHIBIT "A"

40' WIDE DRAINAGE EASEMENT


SITUATED IN THE JAMES L. GANT SURVEY, ABSTRACT NO. 316
 CITY OF BURLESON, JOHNSON COUNTY, TEXAS



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 77°46'26" W	39.24'
L2	N 56°54'55" W	39.13'
L3	N 13°38'08" E	5.89'
L4	N 43°50'22" W	47.44'
L5	N 13°38'08" E	18.60'
L6	S 76°21'52" E	40.00'
L7	S 13°38'08" W	44.11'

I, LON E. WHITTEN, A REGISTERED PROFESSIONAL LAND SURVEYOR
 IN THE STATE OF TEXAS, DO HEREBY DECLARE THAT THIS
 SURVEY IS TRUE AND CORRECT AND WAS PREPARED FROM AN
 ACTUAL SURVEY MADE UNDER MY SUPERVISION ON THE GROUND.


 LON E. WHITTEN DATE: SEPTEMBER 05, 2024
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 5893



LEGEND/ABBREVIATIONS

CIRF CAPPED IRON ROD FOUND
 IRF IRON ROD FOUND
 DRJCT DEED RECORDS,
 JOHNSON COUNTY, TEXAS
 ORJCT OFFICIAL RECORDS,
 JOHNSON COUNTY, TEXAS
 VOL. VOLUME
 PG. PAGE
 POC POINT OF COMMENCING
 POB POINT OF BEGINNING
 DOC. No. COUNTY CLERK'S
 INSTRUMENT NUMBER



civil engineering surveying landscape architecture planning

tbpls registration number: f - 2759
 tbpls registration/license number: 10088000
 519 east border
 arlington, texas 76010
 817-469-1671
 fax: 817-274-8757
 www.mmatexas.com

Bearings and coordinates are grid based on the "Texas Coordinate System of 1983,
 North Central Zone" (2011) as determined by GPS observations. The convergence
 angle at the Point of Commencing is 0°35'19.7". All distances have been adjusted
 to surface using a combined scale factor of 1.000121778185.

DATE: 09-05-2024 SCALE: 1" = 60' DRAWN BY: JMS CHECKED BY: LEW JOB. NO.: 3416-00-03