

RESOLUTION NO. CSO#6301-10-2026

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, OPERATION, AND MAINTENANCE OF THE HULEN STREET WIDENING 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 municipality 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 the Hulen Street Widening 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 real property from the property owners who own land across which the Project will be located; and

WHEREAS, the City will contact the owners of the following properties in order to negotiate the acquisition of the following real property interests that are necessary for the construction of the Project:

- a 0.298 acre (12,962 square foot) water line easement (**Exhibit A – Parcel 1 Water Line Easement**) on property described in Instrument Number 2018-33461, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.750 acre (32,661 square foot) right-of-way (**Exhibit A – Parcel 2 Right-of-Way**) on property described in Instrument Number 2021-6701, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.792 acre (34,515 square foot) right-of-way (**Exhibit A – Parcel 3 Right-of-Way**) on property described in Instrument Number 2021-6701, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 25 square foot permanent sidewalk easement (**Exhibit A – Parcel 19 Sidewalk Easement**) on property described as Lot 1, Block 2, Shannon Creek Phase I, on the plat recorded in Volume 009, Page 0647, Plat Records of Johnson County, Texas (P.R.J.C.T.) and in Instrument Number 2007-38044, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.228 acre (9,950 square foot) variable width right-of-way (**Exhibit A – Parcel 28 Right-of-Way**) on property described in Instrument Number 2016-7339, Deed Records of Johnson County, Texas (D.R.J.C.T.);

- a 1.140 acre (49,675 square foot) variable width right-of-way (**Exhibit A – Parcel 29 Right-of-Way**) on property described in Instrument Number 20120001440, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.343 acre (14,929 square foot) temporary grading easement (**Exhibit A – Parcel 29 Temporary Grading Easement**) on property described in Instrument Number 20120001440, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.077 acre (3,370 square foot) sidewalk easement (**Exhibit A – Parcel 29 Sidewalk Easement**) on property described in Instrument Number 20120001440, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.029 acre (1,275 square foot) temporary grading easement (**Exhibit A – Parcel 34 Temporary Grading Easement**) on property described as Lot 1, Block 1, Tantara Estates on the plat recorded in Volume 008, Page 368 Plat Records of Johnson County, Texas (P.R.J.C.T.);
- a 0.105 acre (4,585 square foot) variable width right-of-way (**Exhibit A – Parcel 35A Right-of-Way**) on property described as Lot 1, Block 3, Tantara Estates on the plat recorded in Volume 008, Page 368, Plat Records of Johnson County, Texas (P.R.J.C.T.);
- a 0.124 acre (5,400 square foot) temporary grading easement (**Exhibit A – Parcel 35A Temporary Grading Easement**) on property described as Lot 1, Block 3 on the plat recorded in Volume 008, Page 368, Plat Records of Johnson County, Texas (P.R.J.C.T.);
- a 0.029 acre (1,264 square foot) drainage easement (**Exhibit A – Parcel 35A Drainage Easement**) on property described as Lot 1, Block 3, Tantara Estates on the plat recorded in Volume 008, Page 368, Plat Records of Johnson County, Texas (P.R.J.C.T.);
- a 0.038 acre (1,635 square foot) variable width right-of-way (**Exhibit A – Parcel 35B Right-of-Way**) on property described in Instrument Number 2019-12861, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.037 acre (1,618 square foot) temporary grading easement (**Exhibit A – Parcel 35B Temporary Grading Easement**) on property described in Instrument Number 2019-12861, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.014 acre (618 square foot) water line easement (**Exhibit A – Parcel 35B Water Line Easement**) on property described in Instrument Number 2019-12861, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.513 acre (22,336 square foot) variable width right-of-way (**Exhibit A – Parcel 36 Right-of-Way**) on property described in deed filed in Volume 3610, Page 114, Deed Records of Johnson County, Texas (D.R.J.C.T.);

- a 0.125 acre (5,464 square foot) temporary grading easement (**Exhibit A – Parcel 36 Temporary Grading Easement**) on property described in deed filed in Volume 3610, Page 114, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.201 acre (8,747 square foot) water line easement (**Exhibit A – Parcel 36 Water Line Easement**) on property described in deed filed in Volume 3610, Page 114, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.662 acre (28,849 square foot) variable width right-of-way (**Exhibit A – Parcel 37 Right-of-Way**) on property described in deed filed in Volume 2811, Page 404, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.212 acre (9,231 square foot) temporary grading easement (**Exhibit A – Parcel 37 Temporary Grading Easement**) on property described in deed filed in Volume 2811, Page 404, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.010 acre (450 square foot) drainage easement (**Exhibit A – Parcel 37 Drainage Easement**) on property described in deed filed in Volume 2811, Page 404, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.033 acre (1,457 square foot) variable width right-of-way (**Exhibit A – Parcel 38 Right-of-Way**) on property described in deed filed in Volume 010, Page 388, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.031 acre (1,361 square foot) temporary grading easement (**Exhibit A – Parcel 38 Temporary Grading Easement**) on property described in deed filed in Volume 010, Page 388, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 2.081 acre (90,649 square foot) variable width right-of-way (**Exhibit A – Parcel 39 Right-of-Way**) on property described in Instrument Number 2023-22161, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.438 acre (19,054 square foot) temporary grading easement (**Exhibit A – Parcel 39 Temporary Grading Easement**) on property described in Instrument Number 2023-22161, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.532 acre (23,175 square foot) drainage easement (**Exhibit A – Parcel 39 Drainage Easement**) on property described in Instrument Number 2023-22161, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.005 acre (225 square foot) drainage easement (**Exhibit A – Parcel 39 Drainage Easement**) on property described in Instrument Number 2023-22161, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.041 acre (1,779 square foot) variable width right-of-way (**Exhibit A – Parcel 40 Right-of-Way**) on property described in Instrument Number 2011-16721, Deed Records of Johnson County, Texas (D.R.J.C.T.);

- a 0.034 acre (1,467 square foot) temporary grading easement (**Exhibit A – Parcel 40 Temporary Grading Easement**) on property described in Instrument Number 2011-16721, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 400 square foot temporary grading easement (**Exhibit A – Parcel 62 Temporary Grading Easement**) on property described as Lot 1-R-2, Block 1, Southcliff Addition on the plat recorded in Volume 008, Page 381, Plat Records of Johnson County, Texas (P.R.J.C.T.), and described in Instrument Number 2025-35458, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.007 acre (300 square foot) drainage easement (**Exhibit A – Parcel 62 Drainage Easement**) on property described as Lot 1-R-2, Block 1, Southcliff Addition on the plat recorded in Volume 008, Page 381, Plat Records of Johnson County, Texas (P.R.J.C.T.), and described in Instrument Number 2025-35438, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 840 square foot temporary grading easement (**Exhibit A – Parcel 63 Temporary Grading Easement**) on property described as Lot 1-R, Block 1, Southcliff Addition on the plat recorded in Volume 008, Page 381, Plat Records of Johnson County, Texas (P.R.J.C.T.), and described in deed recorded in Volume 2138, Page 193, Deed Records of Johnson County, Texas (D.R.J.C.T.);
- a 0.017 acre (750 square foot) drainage easement (**Exhibit A – Parcel 63 Drainage Easement**) on property described as Lot 1-R, Block 1, Southcliff Addition on the plat recorded in Volume 008, Page 381, Plat Records of Johnson County, Texas (P.R.J.C.T.), and described in deed recorded in Volume 2138, Page 193, Deed Records of Johnson County, Texas (D.R.J.C.T.); and

WHEREAS, the City Council finds and determines that the acquisition of the above real property 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 real property should the City not be able to negotiate the acquisition of the real property.

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

SECTION 1.

The City Council of the City of Burleson, Texas, 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 right-of-way and easements (the “Land” and “Easements”), which are more fully described in **Exhibit A**, attached to this Resolution and incorporated into this Resolution for all purposes, is necessary for the Project. The City Council authorizes City staff to commence negotiations with property owners for the acquisition of the property interests described in **Exhibit A**.

SECTION 3.

The City Attorney is hereby authorized and directed to bring condemnation proceedings against the owners, and any and all other parties having an interest in the above referenced properties, for the purpose of acquiring the Land and Easements through the exercise of the City’s power of eminent domain, provided that the following conditions are first met:

- (a) The City obtains ownership information and a legal description for each parcel to be acquired;
- (b) If the owners and/or other parties are located through the exercise of due diligence, the City Manager, or his designated representative, will:
 - (1) Make an initial offer to the owners and/or other parties for the purchase of the Easements; and
 - (2) Make a final offer to the owners and/or other parties for the purchase of the Easements; and
 - (3) Disclose to the owners and/or other parties all existing appraisal reports or value studies produced or acquired by the City relating to the owners’ or other parties’ property and used by the City in determining the amount of the final offer; and
- (c) The owners and/or other parties fail or refuse to accept the City’s final offer; and
- (d) The City has otherwise complied with all statutory prerequisites to the filing of eminent domain proceedings.

SECTION 4.

Should the owners 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 Section 3 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 Easements 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 take effect upon its adoption, and it is so Resolved.

ADOPTED this ____ day of _____, 20____.

Chris Fletcher, Mayor

ATTEST:

Amanda Campos, City Secretary

EXHIBIT A
Legal Description of Land and Easements