

**RESOLUTION NO. 2025-57**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT A FEE SIMPLE TITLE IS NEEDED TO BE ACQUIRED FROM JOSEPH A. FOLTIN AND GLORIA A. FOLTIN FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF MUNICIPAL FACILITIES AS A PART OF THE TOMBALL MASTER FACILITIES PROJECT FOR THE CITY OF TOMBALL, TEXAS; AND AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS.**

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**WHEREAS**, the City Council of the City of Tomball, Texas now finds and determines that public convenience and necessity requires the City of Tomball to acquire a fee simple title to a tract of land containing approximately 0.8174 acres of land for the construction, operation, and maintenance of municipal facilities as part of the Tomball Master Facilities Project in the City of Tomball, Texas, a more specific description of said 0.8174 acre of land is attached hereto as “*Exhibit A*” and made a part hereof (herein after the “Land”); and

**WHEREAS**, the City of Tomball, through its duly authorized representatives, has negotiated with the owners of the Land for the purchase of same for the purpose stated herein and has been unable to agree with such owners as to the fair cash market value thereof and damages, if any; and

**WHEREAS**, the City Council of the City of Tomball has authorized the City Manager or his designee to make an offer to the owners of the Land for the purchase of same based upon its appraised value, and such offer has been made and the owner has refused to accept such final offer; now therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**Section 1.** The facts and recitals set forth in the preamble of this resolution are hereby found to be true and correct.

**Section 2.** The City Council of the City of Tomball finds that a bona fide offer has been made by duly authorized representatives of the City for the acquisition of a fee simple title to the Land, and that said offer was not accepted, and that the only way for the City of Tomball to acquire such interest in said tract of Land is through the filing of eminent domain proceedings.

**Section 3.** The City Council hereby finds and determines that a public use and necessity exists for the City of Tomball for the construction, operation, and maintenance of municipal facilities as part of the Tomball Master Facilities Project in the City of Tomball, Texas, as allowed by law, together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land.

**Section 4.** The final offer heretofore made to the owner for the purchase of the Land is in all things hereby ratified and confirmed.

**Section 5.** The City Attorney, or his designee, is hereby authorized to bring eminent domain proceedings on behalf of the City of Tomball under applicable provisions of law, whether provided by §251.001 of the Texas Local Government Code, as amended, Chapter 21 of the Texas Property Code, or by any other provision of law, against the owner or owners of the Land, to-wit: Joseph A. Foltin and Gloria A. Foltin, or against the real and true owner, owners, claimant, or claimants if Joseph A. Foltin and Gloria A. Foltin are said not to be the owners of the Land.

PASSED, APPROVED, AND RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Lori Klein Quinn  
Mayor

**ATTEST:**

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Thomas Harris  
City Secretary

**APPROVED AS TO FORM:**

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Loren B. Smith  
City Attorney

# EXHIBIT A

