

RESOLUTION NO. 2021-18(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTIES FOR PUBLIC USE FOR RIGHTS-OF-WAY (IN FEE SIMPLE), TEMPORARY CONSTRUCTION EASEMENTS AND RELATED IMPROVEMENTS FOR THE CONSTRUCTION, EXPANSION, ACCESS, REPAIR, MAINTENANCE AND REPLACEMENT OF EUBANKS LANE (FROM HWY 78 TO APPROXIMATELY 1,000 FEET NORTH OF CENTENNIAL DRIVE); GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE CERTAIN PROPERTIES FOR PUBLIC USE FOR RIGHTS-OF-WAY (IN FEE SIMPLE), TEMPORARY CONSTRUCTION EASEMENTS AND RELATED IMPROVEMENTS FOR THE CONSTRUCTION, EXPANSION, ACCESS, REPAIR, MAINTENANCE AND REPLACEMENT OF EUBANKS LANE (FROM HWY 78 TO APPROXIMATELY 1,000 FEET NORTH OF CENTENNIAL DRIVE); AUTHORIZING THE CITY MANAGER OF THE CITY OF WYLIE, TEXAS, TO ESTABLISH PROCEDURES FOR ACQUIRING THE RIGHTS-OF-WAY (IN FEE SIMPLE), TEMPORARY CONSTRUCTION EASEMENTS AND RELATED IMPROVEMENTS, OFFERING TO ACQUIRE SAID PROPERTY RIGHTS, VOLUNTARILY, FROM THE LANDOWNERS THROUGH THE MAKING OF BONA FIDE OFFERS; APPROPRIATING FUNDS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Wylie, Texas (“City Council”) has investigated and determined that there is a public necessity for the acquisition, by, of certain parcels of rights-of-way (in fee simple), temporary construction easements and related improvements (collectively, “ROWs and Easements”) on the real property described and depicted in Exhibit A, all of which are attached hereto and incorporated herein for all purposes (collectively, “Properties”); and

WHEREAS, it is the intent of the City of Wylie, Texas (“Wylie”) to acquire the necessary ROWs and Easements on the Properties for the purpose of, among other things, the construction, expansion, access, repair, maintenance and replacement of and/or improvements to public facilities; specifically, ROWs and Easements for the construction of and/or improvements to Eubanks Lane (from Hwy 78 to approximately 1,000 feet north of Centennial Drive) (collectively, the “Projects”) for the purposes of, among other things, paving improvements; and

WHEREAS, the City Council has further investigated and determined that the Projects are necessary for public use; and

WHEREAS, there may be improvements located on some of the Properties acquired for these Projects and such improvements may be required to be moved prior to the beginning of these Projects; and

WHEREAS, the City Manager, or his designee (“City Manager”), is authorized to make a bona fide offer (“Bona Fide Offer”) to acquire each of the ROWs and Easements on the Properties for public use; and

WHEREAS, the City Council has investigated and determined that the passage of this Resolution complies with all applicable laws.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2: Acquisition of Properties. The City Council hereby determines that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition of the ROWs and Easements on the Properties, and it is Wylie’s intent to acquire the ROWs and Easements for public use as more generally depicted in Exhibit A, attached hereto, specifically for the purposes of, among other things, the construction, expansion, access, repair, maintenance and replacement of and/or improvements of the Projects.

SECTION 3: Authority of City Manager/Bona Fide Offer. The City Manager is hereby authorized to contract, on behalf of the City Council, with professional appraisers for appraisal services and with attorneys for preparation of title opinions needed by Wylie from time to time in connection with the acquisition of the ROWs and Easements on the Properties for the purposes of, among other things, the construction, access, repair, maintenance and replacement of and/or improvements to the Projects. The City Council hereby ratifies any contracts entered into, prior to the effective date of this Resolution, by the City Manager with professional appraisers for appraisal services and with attorneys for preparation of title opinions needed for the acquisition of the ROWs and Easements on the Properties. To this end, the City Manager shall negotiate and make Bona Fide Offers to acquire the ROWs and Easements on the Properties from the subject landowners voluntarily.

SECTION 4: Determination of Just Compensation. The City Manager is hereby authorized and directed to examine and rely on the independent appraisal reports and other information to make a determination as to the establishment and approval of a fair market value offer and the just compensation for the ROWs and Easements on the Properties for the purpose of negotiating for the acquisition of the ROWs and Easements as well as making the Bona Fide Offers. After such consideration, the City Manager shall establish and approve the amount determined to be just compensation for acquisition of said ROWs and Easements and shall have the authority to execute any and all documents necessary to complete the acquisition of the same.

SECTION 5: Authority to Make an Offer. Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of the ROWs and Easements on the Properties, the City Manager is authorized to negotiate the acquisition of the ROWs and Easements and to send a written Bona Fide Offer to the each of the landowners of said Properties for the acquisition of said ROWs and Easements at the full amount determined and established to be just compensation therefore, and to negotiate with said landowners on behalf of Wylie to acquire the ROWs and Easements voluntarily.

SECTION 6: Authority to Execute Documents. The City Manager is hereby authorized to execute all documents necessary to acquire the ROWs and Easements on the Properties needed for the Projects, on behalf of Wylie, by purchase. The City Council hereby ratifies any documents executed, prior to the effective date of this Resolution, by the City Manager which were necessary for the acquisition of the ROWs and Easements on the Properties for the Projects.

SECTION 7: Disposal of Improvements. The City Manager is hereby authorized to sell such surplus improvements, if any, located on the ROWs and Easements acquired in connection with these Projects, should they interfere with the intended use and enjoyment of said ROWs and Easements.

SECTION 8: Source of Funds. The amount to be paid, if any, for acquiring the ROWs and Easements on the Properties for the Projects will be appropriated from any lawful source.

SECTION 9: Savings/Repealing. All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting resolutions shall remain in full force and effect.

SECTION 10: Severability. Should any section, subsection, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect. The City Council hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 11: Effective Date. This Resolution shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 13th day of July, 2021.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary

Exhibit A