**RESOLUTION NO.** **2017-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TALTY, TEXAS, DETERMINING THE NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO A TRACT OF LAND WITHIN THE CITY OF TALTY, TEXAS, CONSISTING OF APPROXIMATELY 11.05 ACRES SITUATED AT 9778 COUNTY ROAD 213, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT “A” WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN, WITHIN THE CITY OF TALTY, KAUFMAN COUNTY, TEXAS, FOR THE PUBLIC PURPOSE OF ACQUIRING RIGHT-OF-WAY FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF A PUBLIC ROADWAY WITHIN THE CITY OF TALTY, KAUFMAN COUNTY, TEXAS; AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE SAID PROPERTY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Talty, Texas, finds and determines that a public need and necessity exists, and that there is a clear public purpose, to acquire certain rights-of-way for the expansion, construction, use, operation and maintenance of a public roadway; and

**WHEREAS**, the City has performed appraisals of the property which is the subject of this Resolution, and which is described more particularly in the exhibits attached hereto and incorporated herein (the “Property”); and

**WHEREAS**, the City has furnished the owner or reputed owner of the Property with a certified fair market value appraisal and a true and correct copy of the Landowner’s Bill of Rights, has made bona fide offers to purchase the Property, and has attempted to negotiate a voluntary sale of the Property with the owner thereof; and

**WHEREAS**, negotiations to purchase the Property voluntarily have been unsuccessful; and

**WHEREAS**, the City Council of the City of Talty, Texas, finds and determines that proceedings in eminent domain are the City’s only option to acquire the Property and, by this Resolution, authorizes the institution of condemnation proceedings to that end.

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

**SECTION 1**. That the City Council of the City of Talty, Texas, hereby finds and determines that the premises hereof are true and correct and that a public necessity exists for the welfare of the City and its citizens and it is in the public interest to acquire through eminent domain proceedings the property described as being a tract of land consisting of 11.05 +/- acres situated at 9778 County Road 213, in the City of Talty, Kaufman County, Texas, and being more particularly described in Exhibit “A,” attached hereto and by this reference incorporated herein (hereinafter the “Property”). There is a clear public need to acquire the Property for street and roadway purposes, and the Property will be put to a public use. The Property is to be acquired for the public purpose of acquiring right-of-way for the expansion, construction, maintenance and operation of a public roadway.

**SECTION 2**. That the Mayor or designee is hereby authorized on behalf of the City to attempt to agree on damages and compensation to be paid to the owner of the Property. If the Mayor or designee determines that an agreement to damages and compensation cannot be reached, then the City Attorney or designee is hereby authorized to file or cause to be filed against the owner and interested parties of the Property proceedings in eminent domain to acquire the Property in fee simple.

 **SECTION 3**. That if it is later determined that there are any errors in the description contained herein or if later surveys contain more accurate revised descriptions, or if it is later determined that other persons not named herein own any right, title or interest in or to the Property, the City Attorney or designee is authorized to have such errors corrected or revisions made without the necessity of obtaining City Council approval authorizing the condemnation of the corrected or revised property or owners.

**SECTION 4**. That this resolution shall become effective immediately from and after its passage as the law in such cases provides.

 **DULY PASSED** by the City Council of the City of Talty, Texas, on the 16th day of May, 2017.

 APPROVED:

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 Mayor

 ATTEST:

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 City Secretary

APPROVED AS TO FORM:

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City Attorney