**RESOLUTION NO.** **2018-06**

**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 12.1106 ACRES SITUATED NORTH OF INTERSTATE HIGHWAY (IH) 20 AND SOUTHEAST OF 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 PUBLIC PURPOSES INCLUDING BUT NOT LIMITED TO THE ACQUISITION OF A SITE FOR THE CONSTRUCTION AND OPERATION OF A FUTURE CITY HALL AND RELATED CITY FACILITIES, AND THE 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 property for the construction of municipal facilities and 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 12.1106 +/- acres situated north of Interstate Highway 20 and southeast of County Road 213 in the City of Talty, Kaufman County, Texas, being described as Tract 3, Friendly Acres, and 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 the construction of municipal facilities, including but not limited to a city hall building, and 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 land for the design, construction and installation of municipal facilities and for the 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, or if it is later determined that a larger parcel of land is needed, 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 15th day of May 2018.

 APPROVED:

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 Mayor Larry Farthing

 ATTEST:

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 City Secretary: Sherry Bagby

APPROVED AS TO FORM:

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City Attorney: David Berman Esq.