

RESOLUTION NO. 2017-026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, DECLARING THE NECESSITY TO ACQUIRE TITLE TO LAND DESCRIBED HEREIN, AND AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS LOCATED ADJACENT TO THE DAVIS/MID-CITIES BOULEVARD INTERSECTION FOR A PUBLIC ROADWAY USE AND AUTHORIZING THE CITY ATTORNEY OR DESIGNEE TO INSTITUTE CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY IF PURCHASE NEGOTIATIONS ARE NOT SUCCESSFUL.

WHEREAS, the City Council of the City of North Richland Hills, Texas ("City Council"), has determined that the acquisition of the property described in Exhibit A hereto, is appropriate and necessary for use by the City of North Richland Hills for a public roadway project (the "Davis/Mid-Cities Intersection Improvement Project") including right of way therefor and associated public uses and that there exists a public necessity to acquire the property herein described, for the Davis/Mid-Cities Intersection Improvement Project; and

WHEREAS, the City Council desires to acquire the property described in Exhibit A hereto for the aforementioned public uses because such property is necessary for completion of the planned and approved Davis/Mid-Cities Intersection Improvement Project, in the City of North Richland Hills, Texas; and,

WHEREAS, Section 251.001(a) of the Texas Local Government Code provides that a municipality may, when its governing body considers it necessary, exercise the right of eminent domain for a public use to acquire private property interests inside or outside the city for the purpose of widening any street or other roadway; and,

WHEREAS, the City Council desires that the attorneys for the City of North Richland Hills, at the expense of the City of North Richland Hills take all necessary steps to acquire the needed property interests, including but not limited to the retention of appraisers, engineers and other consultants and experts, and that such attorneys, or designee, negotiate the purchase of the property interests and, if unsuccessful in purchasing the needed property interests, to institute eminent domain proceedings to acquire the property described in Exhibit A hereto;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, THAT:

- Section 1: All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of North Richland Hills and the body of this resolution as if copied in their entirety.
- Section 2: The City Council hereby finds and determines that a public purpose and necessity exists for the City of North Richland Hills to acquire the property described in Exhibit A hereto for a public use, to wit, a public roadway improvement project all as part of the Davis/Mid-Cities Boulevard Intersection Improvement Project, and to acquire the necessary property rights in such described property from the owners of such property.
- Section 3: The North Richland Hills City Attorney, or designee, is authorized and directed to negotiate for and to acquire the required property rights for the City of North Richland Hills, and to acquire said rights in compliance with law. Moreover, the North Richland Hills City Attorney, or designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to retain and designate a qualified appraiser of the property interests to be acquired, as well as any other experts or consultants that deemed necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.
- Section 4: The North Richland Hills City Attorney is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the City Council for such purpose. Further, the North Richland Hills City Attorney or designee is specifically authorized to establish the just compensation for the acquisition of the described property. Additionally, if the North Richland Hills City Attorney or designee determines that an agreement as to damages or compensation cannot be reached, then the North Richland Hills City Attorney or designee is hereby authorized and directed to file or cause to be filed, against the owner(s) and interested parties of the needed property interests, proceedings in eminent domain to acquire the above-stated interests in the property described in Exhibit A hereto.

PASSED AND APPROVED this the 15th day of May 2017.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Maleshia B. Farmer, City Attorney

APPROVED AS TO CONTENT:

Mike Curtis, Managing Director

EXHIBIT A