

**RESOLUTION NO. 537**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION THE FEE SIMPLE INTEREST TO CERTAIN DESCRIBED PROPERTY AND ORDERING THE CONDEMNATION OF SAID PROPERTY TO PROCEED.**

**WHEREAS**, the City Council of the City of Terrell has heretofore determined a public necessity to acquire the property necessary for a waterline easement of a 1.950 parcel out of an approximate ten acre whole property located on the west side of Rose Hill Road, approximately one mile north of I-20 in Terrell, Kaufman County, Texas.

**WHEREAS**, an independent professional appraisal report of the subject property has been submitted to the City, and the City Manager has accordingly established and approved a certain amount determined to be just compensation for that parcel; and

**WHEREAS**, an official written offer based upon the amount determined to be just compensation has been transmitted to the owners of the property described herein and, as of this date, have had no response from said owners; and

**WHEREAS**, the City of Terrell has complied with all prerequisites of the applicable law, and condemnation has become necessary in order to acquire the unencumbered fee simple title to the property described below; now therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS,**

PART 1: That the official offer by the City of Terrell for the land described below, in the amount of TWENTY SIX THOUSAND TWO HUNDRED FIFTYDOLLARS AND NO/100 (\$26,250.00) DOLLARS, is hereby confirmed.

PART 2: That it is hereby determined that the City of Terrell, acting through its City Attorney, has transmitted a bona fide offer to the property owners, in accordance with the laws of the State of Texas and the laws of the United States of America for the property described below, and that the owners of the property have failed to make any response to said offer.

PART 3: That public necessity requires the acquisition of the unencumbered fee simple interest to the property described below for the construction of water system improvements on 1.950 parcel out of an approximate ten acre whole property located on the west side of Rose Hill Road, approximately one mile north of I-20 in Terrell, Kaufman County, Texas; and that public necessity and convenience require the condemnation of this property in order to acquire it for such purpose.

PART 4: that Mary Gayle Ramsey, City Attorney for the City of Terrell, is hereby authorized and directed to institute proceedings in eminent domain against the Estate of Willie Lutrell Anderson, owner of said property described below, and against all other owners, lien-holders, and other holders of an interest in the property laying and being situated within the City of Terrell, Kaufman County, Texas, to-wit:

Being a part of the J.C. Hale Survey, Abstract 202 in Terrell, Kaufman County, Texas, a 1.950 parcel out of a larger ten acre whole property located on the west side of Rose Hill Road, approximately one mile north of I-20 in Terrell, Kaufman County, Texas, and being more fully described on Exhibit "A" attached and by reference made a part hereof.

PART 5: that this Resolution shall take effect immediately from and after its passage.

**ADOPTED** on this the \_\_\_\_\_ day of April, A.D. 2006.

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY SECRETARY

**APPROVED:**

\_\_\_\_\_  
CITY ATTORNEY