

**RESOLUTION NO. 538**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION THE PERMANENT RIGHT OF WAY AND TEMPORARY CONSTRUCTION EASEMENT ON, OVER AND ACROSS 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 a permanent Right of Way containing 0.357 acres of land and 0.112 acres of land for a temporary construction easement necessary for construction of water system improvements, said property being out of a larger two acre tract located west of Rose Hill Rd. approximately one mile north of I-20, out of J. C. Hale Survey, Abstract 202 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 FOUR THOUSAND EIGHT HUNDRED DOLLARS (\$4,800.00) 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 0.357 acres of land for permanent Right of Way and 0.112 acres of land or 4,864 square feet for a temporary construction easement for the construction of water system improvements on, over and across a larger two acre tract located on the west side of Rose Hill Rd. 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 Gloria Johnson, Samuel Anderson, John O. Perperner, Yolanda Anderson-Taylor, Phillip E. Anderson and Eric Jason Lucas, owners 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 approximately 0.357 acres of land located in the J.C. Hale Survey, Abstract 202, Terrell, Kaufman County, Texas, and being a portion of the Tract of land conveyed to Willie Lutrell Anderson by the deed recorded in Volume 490, Page 73 of the Deed Records of Kaufman County, Texas, and being more particularly 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