

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, DECLARING A PUBLIC NEED AND NECESSITY FOR CERTAIN PROPERTY RIGHTS NECESSARY FOR THE CONSTRUCTION OF DUDLEY BRANCH HIKE AND BIKE TRAIL LOCATED IN THE CITY OF CARROLLTON; AUTHORIZING THE CITY MANAGER OF THE CITY OF CARROLLTON TO TAKE ALL NECESSARY ACTION FOR THE ACQUISITION OF SAID PROPERTY RIGHTS FOR A TWO TRAIL EASEMENTS AND A TEMPORARY CONSTRUCTION EASEMENT AND THE CONSTRUCTION OF A HIKE AND BIKE TRAIL WITHIN SAID EASEMENTS (WITHIN THE WILLIAM B. ROWE SURVEY, ABSTRACT NO. 1124, DENTON COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AS LOT 2, BLOCK A, OF INDIAN CREEK ADDITION, PHASE 2); AUTHORIZING THE CITY ATTORNEY TO USE EMINENT DOMAIN TO CONDEMN THE PROPERTY AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Carrollton, Texas, has determined that a public need and necessity exists for the construction of the Dudley Branch Hike and Bike Trail (“Project”), which is a public use trail, the location of which is generally set forth in the map attached hereto as Exhibit A and delineated in Exhibit B and Exhibit C; and

WHEREAS, the construction of this public project that is part of the Dudley Branch Trail Project requires the acquisition of two trail easements and a temporary construction easement (within the William B. Rowe Survey, Abstract No. 1124, Denton County, Texas, and more specifically described as Lot 2, Block A, of Indian Creek Addition, Phase 2); and

WHEREAS, the City is in compliance with all statutory requirements regarding the acquisition of a property interest from a landowner; and

WHEREAS, the City Council has considered this Project and has determined that a public need and necessity exists for this Project and that this Project is necessary and in the best interests of the residents of the City of Carrollton.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

SECTION 1.

All of the above premises are true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this resolution as if copied in their entirety.

SECTION 2.

The City Council hereby finds and determines that a public need and necessity exists for the City of Carrollton to acquire the necessary property rights for the construction and use of a public access trail, and other public uses incidental thereto, in those certain tracts of land necessary to complete the Dudley Branch Hike and Bike Trail Project, the location of which must be in accordance with the alignment set forth in the map attached hereto as Exhibit A (Trail Alignment) and delineated in Exhibit B (Temporary Construction Easement) and Exhibit C (Trail Easement A & Trail Easement B).

SECTION 3.

The City Council hereby authorizes the City Manager to determine value of said property rights, to negotiate compensation for such rights, and to execute documents, as needed, to acquire necessary property rights to complete construction of the Dudley Branch Hike and Bike Trail Project.

SECTION 4.

The City Manager, or her designee, is authorized and directed to do each and every act necessary to acquire the necessary property rights for the Dudley Branch Hike and Bike Trail Project and to effectuate the intent and purposes of this ordinance in compliance with State and Federal law including, but not limited to, the authority to establish the just compensation for the acquisition of the Property, negotiate, provide notice, make written offers to purchase, prepare contracts, and, where necessary, to use eminent domain to acquire said rights for the construction and use of the easements and right-of-way, and other public uses incidental thereto.

SECTION 5.

If an agreement as to damages or compensation is not reached regarding the property rights described herein, the City Attorney, or her designee, is hereby authorized to negotiate for the required property rights for the City, and, if necessary, to institute proceedings in eminent domain. Moreover, the City Attorney, or designee, is authorized and directed to do each and every act necessary to effectuate the intents and purposes of this ordinance in compliance with all applicable law.

SECTION 6.

This resolution shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas, this
20th day of June, 2023

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Serenity Norman, Assistant City Attorney

APPROVED AS TO CONTENT:

Jonathan Wheat, Director of Engineering