

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS DECLARING THE NECESSITY TO ACQUIRE CERTAIN REAL PROPERTIES FOR RIGHT-OF-WAY AND DRAINAGE EASEMENTS FOR THE CONSTRUCTION OF CARROLLTON HEIGHTS RECONSTRUCTION PROJECT; DETERMINING THE PUBLIC USE AND NECESSITY FOR SUCH ACQUISITION; AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR SAID PROJECT; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER OF THE CITY OF CARROLLTON, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS; AND AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY IF PURCHASE NEGOTIATIONS ARE NOT SUCCESSFUL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Carrollton, Texas (“City Council”), has determined that a public need and necessity exists for the construction of the Carrollton Heights Reconstruction Project; and

WHEREAS, the construction of this public project requires the acquisition of fee simple right of way and drainage easements; and

WHEREAS, the City of Carrollton, Texas (“City”) will negotiate and acquire all parcels 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 to be 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 a fee simple right of way and drainage easements for the construction and use of a public street, public sidewalk, right of way and other public uses

incidental thereto, in those certain tracts of land necessary to complete the project, the location of which is generally set forth in the map attached hereto as Exhibit B (“Location Map”).

SECTION 3:

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

SECTION 4:

The City Manager, or designee, is authorized to take those steps reasonable and necessary to comply with the intent of this Resolution.

SECTION 5:

The City Attorney, or designee, is authorized to institute and acquire the property rights set forth in this Resolution through the use of eminent domain if negotiations are unsuccessful, as necessary to comply with the intent of this Resolution.

SECTION 6:

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

PASSED and APPROVED on this 21st day of November, 2023.

CITY OF CARROLLTON, TEXAS

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

Approved as to form:

Approved as to content:

Meredith A. Ladd
City Attorney

Jonathan Wheat, P.E.,
Director of Engineering