

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS (1) DETERMINING THE PUBLIC NECESSITY AND PUBLIC USE FOR THE ACQUISITION OF PARCELS OF LAND BY FEE SIMPLE TITLE TO THE SURFACE ESTATE, RIGHT-OF-WAY EASEMENTS, UTILITY EASEMENTS, AND TEMPORARY CONSTRUCTION EASEMENTS FOR A STREET IMPROVEMENT PROJECT KNOWN AS THE NAVIGATION BOULEVARD STREET IMPROVEMENT PROJECT WHICH IS TO BE GENERALLY LOCATED FROM LEOPARD STREET NORTHWARD TO UP RIVER ROAD, BOND 2012; (2) AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE THE PROPERTY INTERESTS SUBJECT TO AVAILABILITY OF FUNDS APPROPRIATED FOR SUCH PURPOSES; (3) AUTHORIZING THE CITY MANAGER TO INSTITUTE CONDEMNATION BY EMINENT DOMAIN PROCEEDINGS TO ACQUIRE THE FEE SIMPLE AND EASEMENT INTERESTS IN THE PROPERTIES; (4) AUTHORIZING PAYMENT PURSUANT TO AN AWARD BY SPECIAL COMMISSIONERS; (5) AUTHORIZING ACCEPTANCE AND RECORDING OF APPROPRIATE LEGAL INSTRUMENTS; AND (6) APPROVING CONDEMNATION FOR ALL UNITS OF PROPERTY TO BE ACQUIRED BY CONDEMNATION THE PARCELS OF LAND DESCRIBED HEREIN BY A SINGLE RECORD VOTE OF THE CITY COUNCIL.

WHEREAS, the City of Corpus Christi is in need of various tracts of land, right-of-way easements, utility easements, and temporary construction easements described herein for the purposes of street and related improvements, and,

WHEREAS, in accordance with the Texas Property Code, the Landowner's Bill of Rights, has been or will be provided to the landowners; and,

WHEREAS, in accordance with Section 2206.053 of the Texas Government Code, the City Council of the City of Corpus Christi, Texas, has met after a duly noticed meeting in compliance with the Texas Open Meetings Act, and by a record vote of the City Council, (with no Councilmember objecting to adoption by single resolution for all units of property for which condemnation proceedings are to be initiated), the City Council has determined to utilize its constitutional and statutory authority to exercise its authority for eminent domain in accordance with State law; and,

WHEREAS, the land rights, right-of-way easements, utility easements, and temporary construction easements listed in Exhibit "A," are necessary to advance the public uses recited herein; and,

WHEREAS, Texas Government Code Section 2206.053 (f) provides that if a project for a public use will require a governmental entity to acquire multiple tracts or units of property to construct facilities connecting one location to another location, the governing body of the governmental entity may adopt a single ordinance, resolution, or order by record vote that delegates the authority to initiate condemnation proceedings to the chief administrative official of the governmental entity; and,

WHEREAS, based on an engineering study, the location of said street and related improvements optimizes the enhancement and adequacy of municipal streets;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

Section 1. All of the Recitals are hereby found to be true and correct legislative and factual findings of the City of Corpus Christi Texas, and they are hereby approved and the Recitals are incorporated for all purposes as if they were fully recited herein.

Section 2. That the City Council of the City of Corpus Christi, Texas, hereby finds and determines that a public use and necessity exists for the welfare of the City and its citizens to construct the Navigation Boulevard Street Improvement Project, and it is in the public interest to acquire the tracts of land, right-of-way easements, utility easements, and temporary construction easements, as described and listed in Exhibit "A" and depicted in Exhibit "B," attached hereto and incorporated herein, for such public use; that such acquisition is solely for the public use and necessity of acquiring this uniquely situated land for providing improvements to its municipal street system.

Section 3. That the City Manager, or designee, is hereby authorized on behalf of the City to take all steps necessary to acquire the fee simple and easement interests for the Navigation Boulevard Street Improvement Project, including acceptance and recording of legal documents, all subject to availability of funds appropriated for such purposes. If such offer and an agreement as to damages and compensation cannot be reached, then the City Manager is delegated the authority to direct the City Attorney, or designee, to file or cause to be filed against the owners and interested parties of the property, proceedings in eminent domain in accordance with State law to acquire the properties in fee simple and easement interests in the properties. If it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised description, the City Attorney, or designee, is authorized to have such errors corrected or revisions made without the necessity of obtaining the City Council approval authorizing the condemnation of the corrected or revised properties. The City Manager or designee is authorized to issue payment pursuant to an award by Special Commissioners in the condemnation matter.

Section 4. That the City Manager or designee is fully authorized to negotiate and make final offers, and to execute the contracts and instruments necessary to purchase and acquire all properties necessary and to pay for said properties provided the amounts paid are within the Council approved project budgets, all without requiring additional City Council consideration or approval.

Section 5. That this resolution authorizing condemnation proceedings over the units of property described and listed in Exhibits A and B, shall be approved by single record vote of the City Council.

Section 6. That this Resolution shall take effect immediately from and after its passage and it is so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS, this ____ day of _____, 2014.

ATTEST:

THE CITY OF CORPUS CHRISTI

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor

Corpus Christi, Texas

_____ of _____, _____

The above resolution was passed by the following vote:

Nelda Martinez _____

Kelley Allen _____

Rudy Garza _____

Priscilla Leal _____

David Loeb _____

Chad Magill _____

Colleen McIntyre _____

Lillian Riojas _____

Mark Scott _____