

Resolution determining the necessity to acquire a tract of land and easement rights for property referred to herein as Parcels 3, 3A, and 3B located in the area adjacent to State Highway 44, as described in Exhibits "A", "C", and "E" and delineated in Exhibits "B", "D", and "F" attached hereto and incorporated herein, authorizing the filing of eminent domain proceedings for the CCIA Runway Extension / Displacement Project for 0.87 acres fee simple; and 14.10 acres for an Avigation Easement; both being a portion of Tracts 1 and 2 of the V.M. Donigan Partition recorded in Volume 501, page 228, Deed Records of Nueces County, Texas, in Corpus Christi, Texas. The owners of the needed property interests are James Daniel Walker, Charles Arthur Walker, Mary Frances Wilson Burson, James Fred Ogburn, Sylvia Claire Wilson Beckman, George David Wilson, Bettye Joyce Walker Coats, Ann B. Trumbly Living Trust, Kelley D. Cook, Starla Leigh Burnham, William Taylor Laughlin, Rodney Blake Driskill, Nancy Ogburn Dempsey, Jarma Dawn Aycox, and David Eugene Burnham. The property is located on State Highway 44 and Hopkins Road across from the Corpus Christi International Airport, in Corpus Christi, Nueces County, Texas.

WHEREAS, the City Council of the City of Corpus Christi has found that public necessity requires the City of Corpus Christi to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Corpus Christi has attempted to purchase those needed real property interests but has been unable to agree with the owners on the value of the property interest, or the damages, if any;

WHEREAS, the in accordance with the Texas Property Code, the City has provided the landowners with a copy of the Landowner's Bill of Rights;

WHEREAS, in accordance with state law, the City has obtained a written appraisal from a certified appraiser of the value of the property being acquired and damages, if any, to the remainder;

WHEREAS, the City has waited thirty (30) days from the date of the initial offer, delivered a copy of the certified appraisal, and made a final offer to the landowners and has included in the final offer an amount at least as much, or greater than the certified appraisal;

WHEREAS, 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 a present quorum of the City Council, determined to utilize its constitutional and

statutory authority to exercise its authority for eminent domain in accordance with State law.

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

Section 1. That the City Council of the City of Corpus Christi, Texas, hereby finds and determines that a public necessity exists for the welfare of the City and its citizens and it is in the public interest to acquire the tract of land, as described in Exhibits "A", "C", and "E" and delineated in Exhibits "B", "D", and "F", attached hereto and incorporated herein, within the City of Corpus Christi, Nueces County, Texas, 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 Corpus Christi International Airport including but not limited to runway extension, related apparatus, and other facilities related to aviation purposes to accommodate and make operable the runway extension. That the legal descriptions of said property are attached hereto as Exhibits "A", "C", and "E" and delineated in Exhibits "B", "D", and "F", all being made a part hereof for all purposes.

Section 2. That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Corpus Christi against the owners now having, or who may acquire, an interest in the real property interests necessary to the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

Section 3. The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: James Daniel Walker, Charles Arthur Walker, Mary Frances Wilson Burson, James Fred Ogburn, Sylvia Claire Wilson Beckman, George David Wilson, Bettye Joyce Walker Coats, Ann B. Trumbly Living Trust, Kelley D. Cook, Starla Leigh Burnham, William Taylor Laughlin, Rodney Blake Driskill, Nancy Ogburn Dempsey, Jarma Dawn Aycox, and David Eugene Burnham.

Project: The CCIA Runway Extension / Displacement Project #E11046 will provide for the construction and extension of Runway 17 by 600 feet to the north toward State Highway 44. The proposed runway extension will then require lighting and navigation aids to be placed on the North side of

State Highway 44, along with an Avigation Easement that will extend northward approximately 1120 feet.

Public Purpose: The permanent Avigation Easement is described in the attached Exhibits "A" and "B" and needed for the unobstructed use and passage of all types of aircraft (as hereinafter defined), in and through the airspace above Grantors' property above an imaginary plane rising and extending in a generally northerly direction over Grantors' property, said imaginary plane following the Above Ground Level (AGL) contours shown on the plat in attached Exhibit "B".

A tract of land containing 0.87 acres will also be acquired fee simple that will provide for an access road off of Hopkins Road leading to the location of the lighting and navigation aids to assist with airport operations.

Location: State Highway 44 across from CCIA
Corpus Christi, Texas 78406

Property: Described in the attached and incorporated Exhibits A, B, C, D, E, F.

Section 4. 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.

Section 5. The owners or parties claiming interest in said property are depicted on Exhibits "A", "C", and "E".

Section 6. The Recitals are incorporated for all purposes as if they were fully recited herein.

Section 7. This Resolution shall take effect immediately from and after its adoption and it is so resolved.

ATTEST:

THE CITY OF CORPUS CHRISTI

Armando Chapa
City Secretary

Joe Adame
Mayor

Corpus Christi, Texas

_____ of _____, 2012

The above resolution was passed by the following vote:

Joe Adame _____

Chris N. Adler _____

Kelley Allen _____

Larry Elizondo, Sr. _____

Priscilla G. Leal _____

David Loeb _____

John E. Marez _____

Nelda Martinez _____

Mark Scott _____

LNV, Inc.
801 Navigation Blvd., Suite 2000
Corpus Christi, Texas 78408

PARCEL NO. 3

Field note description for a **14.10** acre tract more or less, out of a 91.36 acre tract of land being out of Tract 2 of the Partition of V.M. Donigan 456.65 acre tract in Sections 6 and 7, Ranch VI of the H.L. Kinney Sectionized Land in Nueces County, Texas, recorded in Volume 1, Page 49, Miscellaneous Map Records attached to Partition Deed dated January 12, 1951, recorded under Clerk's File No. 320003, Volume 501, Page 228, Deed Records of Nueces County Texas, said 14.10 acre tract of land being more particularly described by metes and bounds as follows:

Beginning at a point in the north right of way line of the Texas Mexican Railroad right of way, the southwest corner of said Nancy Ogburn Dempsey 91.36 acre tract, the southeast corner of John Paul Hooten 91.36 acre tract, for the southwest and beginning corner of the tract herein described;

Thence **North 00°-47'-34" West**, a distance of **1,120.89** feet to a point for the northwest corner of the tract herein described;

Thence **North 88°-39'-16" East**, a distance **626.84** feet to a point for the northeast corner of the tract herein described;

Thence **South 07°-11'-07" West**, a distance of **1,132.89** feet to a point in the north right of way line of said Texas Mexican Railroad right of way for the southeast corner of the tract herein described;

Thence **South 88°-35'-43" West**, with the north right of way line of said Texas Mexican Railroad right of way, a distance of **469.61** feet to the **Point of Beginning**.

Containing more or less (614,318.12 Square Feet) **14.10** acres of land.

State of Texas
County of Nueces

I, Horacio Oliveira, a Registered Professional Land Surveyor of LNV, Inc., hereby certify that the foregoing field note description was prepared from a survey made on the ground under my direction, and that this description conforms to the current Texas Surveyors Association Standards and Specifications for a Category I-A, Land Title Survey.

This the 1st day of March 2012.

Horacio Oliveira

Horacio Oliveira
State of Texas License No. 1415



Exhibit "A"

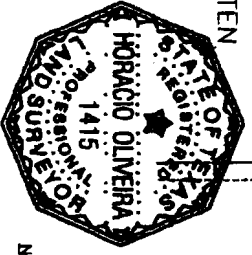


SCALE: 1"=200'

NANCY OGBURN DEMPSEY
2
91.36 AC.

V.M. DONIGAN
VOL. 1 PG. 49 M.R.N.C.T.

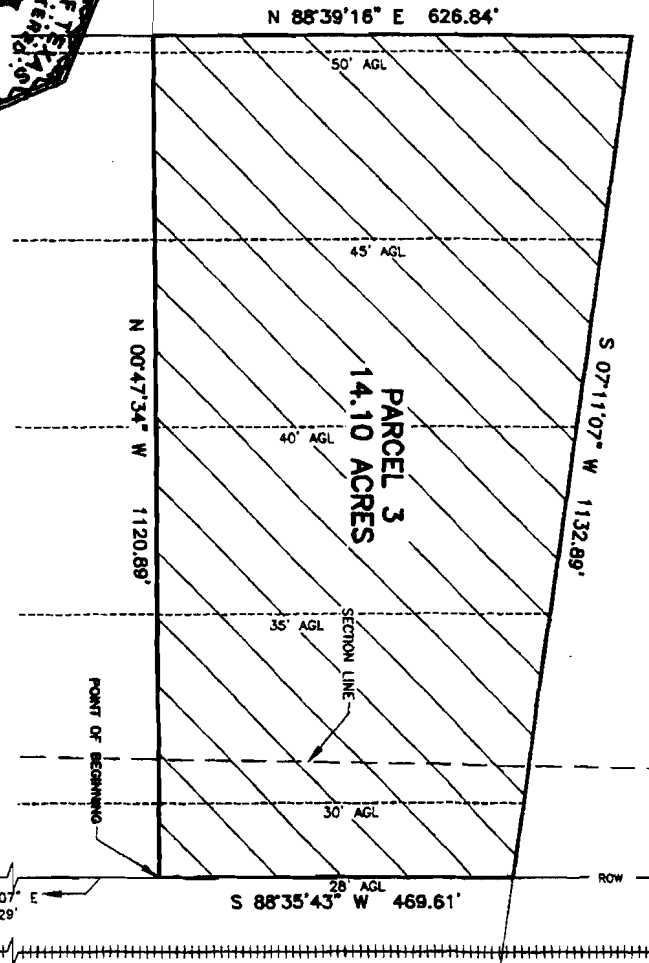
JOHN PAUL HOOTEN
3
91.36 AC.



State of Texas
County of Nueces
I, Horacio Oliveira, a Registered Professional Land Surveyor, of LNV Inc., do hereby certify that the foregoing map was prepared from information of record and from a survey made on the ground under my direction.

This the 13th day of December 2011.

Horacio Oliveira
Horacio Oliveira
State of Texas License No. 1415



- NOTES:**
- THIS MAP TO ACCOMPANY FIELD NOTE DESCRIPTION
 - SOURCE OF BEARING-TEXAS STATE PLANE
 - TENS SOUTH ZONE-4205-440 BS
 - BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONES "A1, B & C" ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 480444 0100; FEMA MAP EFFECTIVE DATE OF JULY 19, 1983.
 - PARCEL 3 = 614,318.12 SQ. FT., 14.10 AC.

LEGEND:

FD 1" IP	SW CORNER OF WELCH 91.36 AC. TRACT
M.R.N.C.T.	MAP RECORDS, NUECES COUNTY, TEXAS
I.R.	IRON ROD
I.P.	IRON PIN
FD	FOUND
B.L.	BUILDING LINE
A.G.L.	ABOVE GROUND LEVEL
PL	PROPERTY LINE
ROW	RIGHT OF WAY
-----	SECTION LINE
+++++	RAIL ROAD TRACKS

STATE HIGHWAY 44
(AGNES ST)

Exhibit "B"

Parcel 3

EXHIBIT OF
MAXIMUM PERMITTING BUILDING
HEIGHT ABOVE GROUND LEVEL
PARCEL NO. 3
AREA=614,318.12 SQ. FT.
14.10 AC.
REFERENCES: LOT 2,
V.M. DONIGAN
VOLUME 1, PAGE 49, M.R.N.C.T.



DATE: OCTOBER 2011

LNV
engineers | architects | contractors
1400 West Loop South, Suite 1000
Houston, Texas 77027
713.865.1111

LNV, Inc.
801 Navigation Blvd., Suite 2000
Corpus Christi, Texas 78408

Field note description for **0.68** acre tract, more or less out of a 91.36 acre tract of land being out of Tract 2 of the Partition of the V.M. Donigan 456.65 acre tract in Sections 6 and 7, Range VI of the H.L. Kinney Sectionized Land in Nueces County, Texas, recorded in Volume 1, Page 49, Miscellaneous Map Records attached to Partition Deed dated January 12, 1951, recorded under Clerk's File No. 320003, Volume 501, Page 228, Deed Records of Nueces County, Texas, 0.68 acre tract is part of the 14.10 acre tract out of Tract IV of Fidelity National Title Commitment GF No. 120220902-5 and being more particularly described by metes and bounds as follows:

Commencing at the southwest corner of said Lot 2 of the V.M. Donigan Subdivision and the north right of way line of the Texas Mexican Railroad, from whence a found 1 inch iron pipe at the southwest corner of Lot 4 of the V.M. Donigan Partition recorded in Volume 1 Page 49 of the Map Records Nueces County, Texas, bears South $88^{\circ}-33'-07''$ West a distance of 2188.29 feet. Thence North $00^{\circ}-47'-34''$ West a distance of 451.20 feet to the southwest corner and Point of Beginning of the tract herein described;

Thence North $00^{\circ}-47'-34''$ W, a distance of **40.00** feet to a point, for the most northwesterly corner of the tract herein described;

Thence North $88^{\circ}-39'-16''$ East, a distance of **200.01** feet to a point, for an interior corner of the tract herein described;

Thence South $67^{\circ}-35'-46''$ East, a distance of **136.57** feet to a point, for an interior corner of the tract herein described;

Thence North $88^{\circ}-39'-16''$ East, a distance of **406.98** feet to a point, for the most northeasterly corner of the tract herein described;

Thence South $00^{\circ}-47'-23''$ East, a distance of **40.00** feet to a point on the east property line of said Lot 2 V.M. Donigan Partition, recorded in Volume 1 Page 49, Map Records Nueces County Texas and the west property line of Lot 1 of the V.M. Donigan Partition recorded in Volume 501 Page 228 of the Deed Records Nueces county Texas for a corner of the tract herein described;

Thence South $88^{\circ}-39'-16''$ West, a distance of **415.00** feet to a point, for an interior corner of the tract herein described;

Thence North $67^{\circ}-35'-46''$ West, a distance of **136.57** feet to a point, for an interior corner of the tract herein described;

Thence South $88^{\circ}-39'-16''$ West, a distance of **191.99** feet to the Point of Beginning.

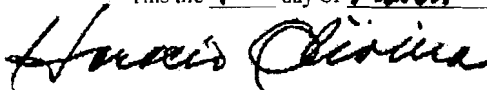
Containing more or less **0.68** (29,742.36 Square Feet) acres of land.

Bearings are based on Texas State Plane Zone 4205 NAD 83.

State of Texas
County of Nueces

I, **Horacio Oliveira**, a Registered Professional Land Surveyor, of LNV Inc., Engineers & Consultants, do hereby certify that the foregoing Field Note Description was prepared from information of record and from a survey made on the ground under my direction.

This the 1st day of March 2012.



Horacio Oliveira
State of Texas License No. 1415



Exhibit "C"



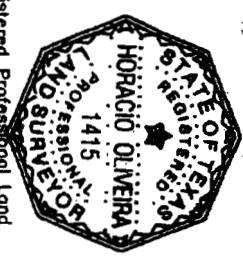
SCALE: 1"=200'

NANCY OGBURN DEMPSEY 143.56 AC. TRACT OUT OF TRACKS 5&6 KINNEY LANDS AKA SHRS 1&2 V.M.DONIGAN PARTITION VOL.501 PG.228 D.R.N.C.T.

NANCY OGBURN DEMPSEY 2 91.36 AC. VOL.1 PG.49 M.R.N.C.T.

V.M.DONIGAN VOL.1 PG.49 M.R.N.C.T.

JOHN PAUL HOOTEN 3 91.36 AC. VOL.1 PG.49 M.R.N.C.T.



State of Texas County of Nueces I, Horacio Oliveira, a Registered Professional Land Surveyor, of LNV Inc., do hereby certify that the foregoing map was prepared from information of record and from a survey made on the ground under my direction.

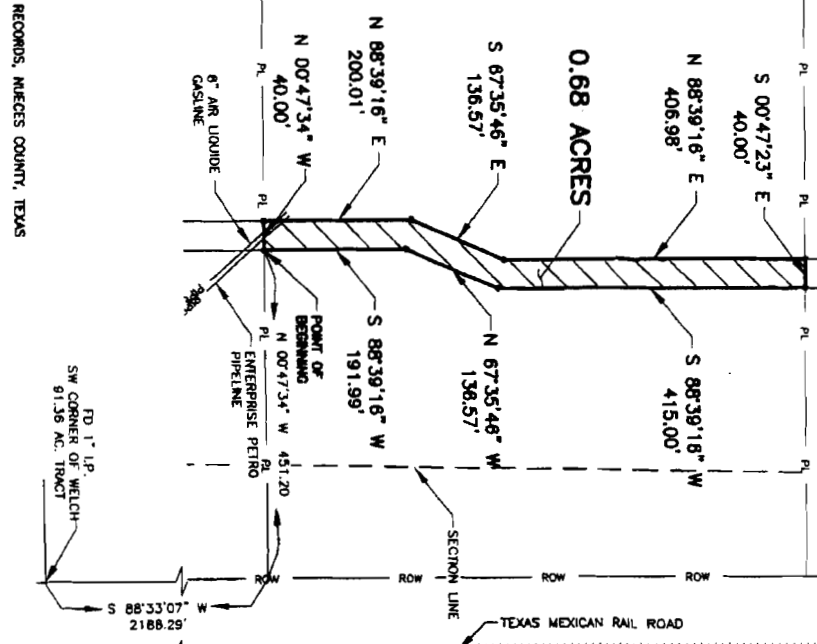
This the 18th day of November 2011.

Horacio Oliveira

Horacio Oliveira State of Texas License No. 1415

- LEGEND:**
- M.R.N.C.T. MAP RECORDS, NUECES COUNTY, TEXAS
 - I.R. IRON ROD
 - I.P. IRON PIN
 - FD FOUND
 - PL PROPERTY LINE
 - ROW RIGHT OF WAY
 - SECTION LINE
 - +++++ R.M. ROAD TRACKS
 - PIPE UNDERGROUND PIPELINE
 - BOUNDARY OF LAND TO BE ACQUIRED

- NOTES:**
- THIS MAP TO ACCOMPANY FIELD NOTE DESCRIPTION
 - SOURCE OF BEARING—TEXAS STATE PLUMB TEXAS SOUTH ZONE—4205—NAD 83
 - AREA = 29,742.36 SQ. FT., 0.68 AC.
 - THIS SURVEY IS SUBJECT TO ALL ENCUMBRANCES REFERENCED IN THE SCHEDULE B OF THE TITLE COMMITMENT PROVIDED BY THE CITY OF CORPUS CHRISTI (GUARANTY TITLE SERVICES).



STATE HIGHWAY 44 (AGNES ST) 300' R.O.W.

Exhibit "D" Parcel 3A

EXHIBIT OF 0.68 AC. 29,742.36 SQ. FT. OUT OF LOT 2

REFERENCES: LOT 2, V.M. DONIGAN PARTITION VOLUME 1, PAGE 49, M.R.N.C.T.

DATE: NOVEMBER 2011



LNV, Inc.
801 Navigation Blvd., Suite 2000
Corpus Christi, Texas 78408

Field note description for 0.19 acres tract, more or less is out of a 91.36 acre tract of land being out of Tract 1 of the Partition of the V.M. Donigan 456.65 acre tract in Sections 6 and 7, Range VI of the H.L. Kinney Sectionized Land in Nueces County, Texas, recorded in Volume 1, Page 49, Miscellaneous Map Records attached to Partition Deed dated January 12, 1951, recorded under Clerk's File No. 320003, Volume 501, Page 228, Deed Records of Nueces County, Texas and being more particularly described by metes and bounds as follows:

Commencing at a point on the south property line of said Lot 1 of the V.M. Donigan Partition and the north right of way line of the Texas Mexican Railroad, from whence a found 1 inch iron pipe at the southwest corner of Lot 4 of the V.M. Donigan Partition recorded in Volume 1 Page 49 of the Map Records Nueces County, Texas, bears South 88°-35'-04" West a distance of 2920.80 feet, Thence N 00°-47'-23" W a distance of 395.44 feet to the southwest corner and point of beginning of the tract herein described;

Thence North 00°-47'-23" W, a distance of 40.00 feet to a point for the most northwesterly corner of the tract herein described;

Thence North 88°-39'-16" East, a distance of 209.81 feet to a point on the west right of way of an unrecorded road (Hopkins Road) located with the use of design drawings provided by the City of Corpus Christi, for the most northeasterly corner of the tract herein described;

Thence in a southwesterly direction with west right of way of said Hopkins Road, and with the arc of a circular curve to the right, whose Central Angle is 07°-46'-35", whose Radius is 312.94 feet, a distance of 42.47 feet to a point for the southeast corner of the tract herein described;

Thence South 88°-39'-16" West, a distance of 196.01 feet to the Point of Beginning.

Containing more or less (8,096.08 Square Feet) 0.19 acres of land.

Bearings are based on Texas State Plane Zone 4205 NAD 83.

State of Texas
County of Nueces

I, **Horacio Oliveira**, a Registered Professional Land Surveyor, of LNV Inc., Engineers & Consultants, do hereby certify that the foregoing Field Note Description was prepared from information of record and from a survey made on the ground under my direction.

This the 1ST day of March 2012.



Horacio Oliveira
State of Texas License No. 1415



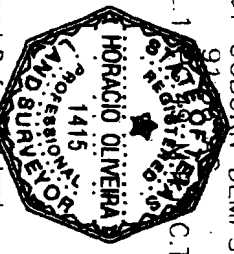
Exhibit "E"



SCALE: 1"=200'

NANCY OGBURN DEMPSEY 143.56 AC. TRACT OUT OF TRACKS 5&6 KINNEY LANDS AKA SHRS 1&2 V.M.DONIGAN PARTITION VOL.501 PG.228 D.R.N.C.T.

NANCY OGBURN DEMPSEY VOL. 1 D.R.N.C.T.



State of Texas County of Nueces
I, Horacio Oliveira, a Registered Professional Land Surveyor, of LN# 1415, do hereby certify that the foregoing map was prepared from information of record and from a survey made on the ground under my direction.

This the 18th day of November 2011.

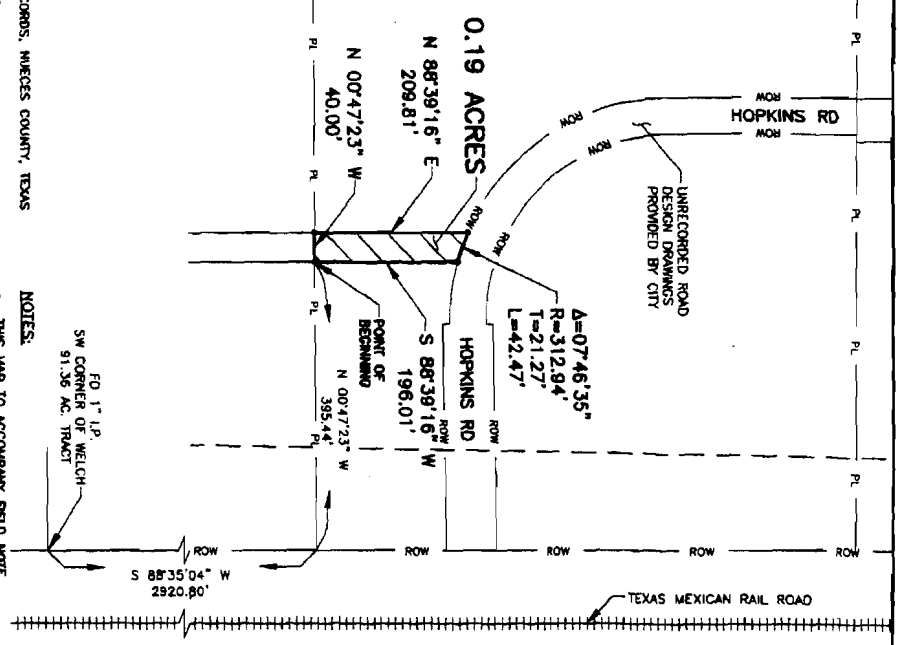
Horacio Oliveira

Horacio Oliveira
State of Texas License No. 1415

LEGEND:

MR.N.C.T.	MAP RECORDS, NUECES COUNTY, TEXAS
I.R.	IRON ROD
I.P.	IRON PIN
FD	FOUND
PL	PROPERTY LINE
ROW	RIGHT OF WAY
---	SECTION LINE
---	RAIL ROAD TRACKS
---	BOUNDARY OF LAND TO BE ACQUIRED

- NOTES:**
- THIS MAP TO ACCOMPANY FIELD NOTE DESCRIPTION
 - SOURCE OF BEARING-TEXAS STATE PLANE TEXAS SOUTH ZONE-4205 AND 83
 - AREA = 8,096.08 SQ. FT., 0.19 AC.
 - THIS SURVEY IS SUBJECT TO ALL ENCUMBRANCES REFERENCED IN THE SCHEDULE BY THE TITLE COMPANY CRISSTI (OUBURN) TITLE SERVICES).



STATE HIGHWAY 44 (AGNES ST)
300' R.O.W.

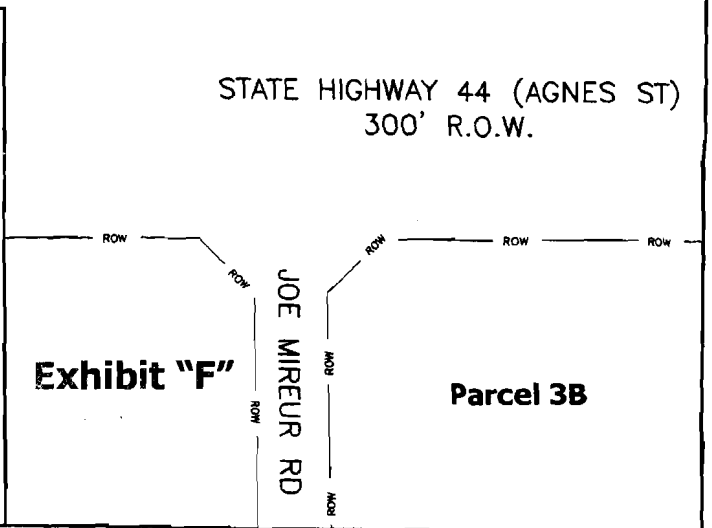


EXHIBIT OF
0.19 AC.
8,096.08 SQ. FT.
OUT OF
LOT 1

REFERENCES: LOT 1,
V.M. DONIGAN PARTITION
VOLUME 501, PAGE 228, D.R.N.C.T.



DATE: NOVEMBER 2011

