

Resolution of the City Council of the City of Corpus Christi, Texas (1) determining the public necessity and public use for the acquisition of a parcel of land by fee simple title, collectively known as Parcel 1, for a street improvement project known as the Creek View Drive Extension Project; (2) authorizing the City Manager or 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 title in the property owned by the William E. McKinzie, Jr. Family Limited Partnership; (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 of the parcel described herein by a single record vote of the City Council.

WHEREAS, the City of Corpus Christi is in need of a tract of land known as Parcel 1, described herein for the purposes of constructing a roadway extension and other street related improvements from Creek Side Drive to McKinzie Road;

WHEREAS, in accordance with the Texas Property Code, the Landowner's Bill of Rights have been provided to the landowner; 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 tract of land is 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 alternative access and street 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 Creek View Drive Extension Project, and it is in the public interest to acquire the tract of land known as Parcel 1, as described by metes and bounds 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 interests for the Creek View Road Extension 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 William E. McKinzie, Jr. Family Limited Partnership and interested parties of the property proceedings in eminent domain in accordance with State law to acquire the fee simple interests in the property. 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 parcel of property described and depicted 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.

Attest:**City of Corpus Christi**_____
Rebecca Huerta, City Secretary_____
Nelda Martinez, Mayor

PASSED AND APPROVED, this the _____ day of _____, 2016.

The above resolution was passed by the following vote:

Nelda Martinez	_____
Rudy Garza	_____
Michael Hunter	_____
Chad Magill	_____
Colleen McIntyre	_____
Brian Rosas	_____
Lucy Rubio	_____
Mark Scott	_____
Carolyn Vaughn	_____

Exhibit A
E15122 – Creek View Drive Extension
60' Wide Right-Of-Way

STATE OF TEXAS
COUNTY OF NUECES

BEING a 60.0 foot wide tract of land, containing 22,230.1 square feet (0.51 acres) of land out of a 7.334 acre tract described as Parcel 4 in Special Warranty Deed recorded as Document no. 2015012107, Official Records of Nueces County, Texas; said 7.334 acre tract being out of the McKinzie 124.12 acre tract lying south of Up River Road and east of McKinzie road and also being a portion of the McKinzie 388.26 acre tract of Survey 417, Patented to F.W. Schaeffer, Abstract 571, Survey 419, Patented to F.W. Schaeffer, Abstract 570, Survey 422, Patented to A.E. Spohn, Abstract 850, Nueces County, Texas. This 22,230.1 square foot tract being more fully described by metes and bounds as follows:

Commencing at a 5/8 inch iron rod found on the east boundary of McKinzie Road for the northwest corner of Lot 3, Block 7, Highway Village Section 1 Annex, a map of which is recorded in Volume 65, Page 193, Map Records of Nueces County, Texas;

Thence, with the easterly extension of the north boundary of said Lot 3, Block 7, Highway Village Section 1 Annex, North 81°04'18" West 10.00 feet;

Thence, with the existing east boundary of McKinzie Road, parallel with its centerline and 40.00 feet distant therefrom, North 08°53'55" East, a distance of 258.11 feet to a 5/8 inch iron rod with City of Corpus Christi cap set for the Point of Beginning of this description and for the southwest corner of this tract;

Thence, with west boundary of this tract, same being the existing east boundary of McKinzie Road, parallel with its centerline and 40.00 feet distant therefrom, North 08°53'55" East, a distance of 110.00 feet to a 5/8 inch iron rod with City of Corpus Christi cap set for the northwest corner of this tract;

Thence, with the north boundary of this tract, South 36°05'49" East, a distance of 35.36 feet to a 5/8 inch iron rod with City of Corpus Christi cap set for a corner of this tract;

Thence, continuing with the north boundary of this tract, South 81°05'49" East, a distance of 335.11 feet to a 5/8" iron rod found for the northwest corner of existing Creek View Drive, for the southwest corner of Lot 1, Block 1, Maple Hills Subdivision Unit 5, a map of which is recorded in Volume 67, Page 160, Map Records of Nueces County, Texas and for the northeast corner of this tract;

Thence, with the west boundary of said existing Creek View Drive, same being the east boundary of this tract, South 08°56'10" West, a distance of 60.00 feet to a 5/8 inch iron rod found for the southwest corner of said Creek View Drive and for the southeast corner of this tract;

Thence, with the south boundary of this tract, North 81°05'49" West, a distance of 335.07 feet to a 5/8 inch iron rod with City of Corpus Christi cap set for a corner of this tract;

Thence, continuing with the south boundary of this tract, South 53°54'11" West, a distance of 35.36 feet to the Point of Beginning and containing 22,230.1 square feet (0.51 acres) of land.

Bearings based on GPS bearings, Texas State Plane Coordinate System, NAD 83 (2011), South Zone.

**STATE OF TEXAS
COUNTY OF NUECES**

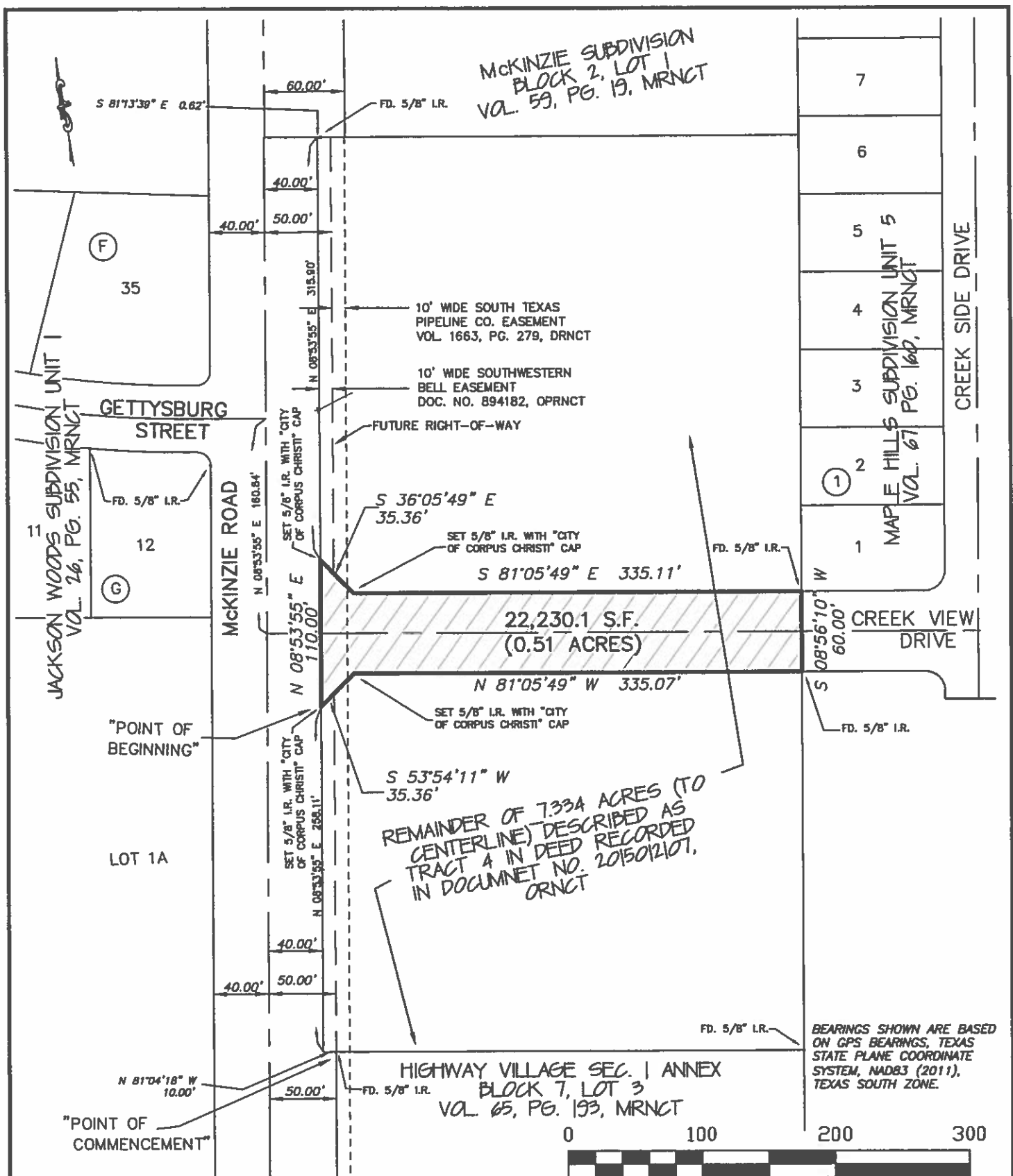
I, Russell D. Ochs, a Registered Professional Land Surveyor, hereby certify that the foregoing field notes were prepared by me from a land survey made on the ground under my supervision.

This the 19th day of October, 2015

Russell D. Ochs

Russell D. Ochs, R.P.L.S.
State of Texas License No. 5241





MAP TO ACCOMPANY FIELDNOTES

FOR A 60.00 FOOT WIDE TRACT OF LAND, CONTAINING 22,230.1 SQUARE FEET (0.51 ACRES) OF LAND OUT OF A 7.334 ACRE TRACT DESCRIBED AS PARCEL 4 IN SPECIAL WARRANTY DEED RECORDED AS DOCUMENT NO. 2015012107, OFFICIAL RECORDS OF NUECES COUNTY, TEXAS; SAID 7.334 ACRE TRACT BEING OUT OF THE McKINZIE 124.12 ACRE TRACT LYING SOUTH OF UP RIVER ROAD AND EAST OF McKINZIE ROAD AND ALSO BEING A PORTION OF THE McKINZIE 368.26 ACRE TRACT OF SURVEY 417, PATENTED TO F.W. SCHAEFFER, ABSTRACT 571, SURVEY 419, PATENTED TO F.W. SCHAEFFER, ABSTRACT 570, SURVEY 422 AND PATENTED TO A.E. SPOHN, ABSTRACT 860, NUECES COUNTY, TEXAS.

Revised: 9/2/2015 Changed curves for flares at intersection



CITY of CORPUS CHRISTI, TEXAS

Capital Programs
Survey Division
361-826-3551

Date: 9/2/2015
Drawn By: JJS

Checked By: RO\ON
Project: E15122-CREEK VIEW DR. EXTENSION

SHEET 1 OF 1

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