

Ordinance authorizing the purchase of 4909 Kostoryz Road and 3115 McArdle Road from Ifergan Michel, LLC for \$290,000.00 and authorizing the use of the power of eminent domain proceedings to acquire the property

WHEREAS, the City of Corpus Christi ("City") requires multiple tracts of real property interests consisting of approximately 2.3 acres located at 4909 Kostoryz Road and 3115 McArdle Road, for public use as a public building known as Fire Station No. 8 in accordance with Texas Government Code 2206.001(c)(4);

WHEREAS, the value of the property rights for said public safety project to be acquired from Ifergan Michel, LLC has been appraised at \$290,000.00 by Lowery Property Advisors, LLC;

WHEREAS, the Nueces County Appraisal District value for 4909 Kostoryz Road is \$317,631.00 and 3115 McArdle Road is \$299,521.00 for a total taxable value of \$617,152.00;

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 ordinance 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, in accordance with Texas Government Code Section 2206.053(f), the City Council finds that the multiple tracts or units of property to be acquired pursuant to this ordinance are required to construct facilities connecting one location to another location, and are necessary to advance the public uses recited herein; and

WHEREAS, the motion to adopt this resolution has been made by the following motion: "I move that the City of Corpus Christi authorize the execution of all documents necessary, and alternatively, the use of the power of eminent domain, to acquire approximately 2.3 acres of real property from Ifergan Michel, LLC, located at or near 4909 Kostoryz Road and 3115 McArdle Road for public use as a fire station."

NOW, THEREFORE, BE IT ORDAINED 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 Fire Station Number 8 at 4909 Kostoryz Road with a Legal Description of LEXINGTON PL NE54' OF LT U & ALL LT V and 3115 McArdle Road

with a Legal Description of LEXINGTON PL W52' OF LTS 5 & 6 & ALL LTS 7 & 8 BK N, and it is in the public interest to acquire the fee simple property rights needed as shown on the attached **Exhibit A - Project Location Map**, for such public use; that such acquisition is solely for the public use and necessity of acquiring this uniquely situated land.

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 property interests for construction of a new Fire Station No. 8, located at 4909 Kostoryz Road and 3115 McArdle Road, including acceptance and recording of legal documents. 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 all interested parties of the property proceedings in eminent domain in accordance with State law to acquire the easement and 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 subject to the availability of funds appropriated for such purposes.

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 at the appraised amount, all without requiring additional City Council consideration or approval.

Section 5. That this ordinance authorizing condemnation proceedings over the property described and depicted in the Project Location Map shall be approved by single record vote of the City Council.

Section 6. That this ordinance shall take effect immediately from and after its passage, and it is so ordained.

Introduced and voted on the ____ day of _____, 2023.

PASSED and APPROVED on the ____ day of _____, 2023.

ATTEST:

Paulette Guajardo, Mayor

Rebecca Huerta, City Secretary

Exhibit A - Project Location Map

