

Resolution determining the necessity to acquire easement rights for property referred to herein as Parcel 1 located in the area adjacent to State Highway 44, as described in Exhibit "A" and delineated in Exhibit "B," attached hereto and incorporated herein, authorizing the filing of eminent domain proceedings for the CCIA Runway Extension / Displacement Project for 7.80 acres for an Avigation Easement; being a portion of Tract 4 of the V.M. Donigan Partition recorded in Volume 501, page 228, Deed Records of Nueces County, Texas, in Corpus Christi, Texas. The owner of the needed property interests is Anna Spohn Welch Marsh. The property is located on State Highway 44 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 Exhibit "A" and delineated in Exhibit "B," 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 is attached hereto as Exhibit "A" and delineated in Exhibit "B," 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:

| | |
|-----------------|---|
| Owner: | Anna Spohn Welch Marsh |
| 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 require an Aviation Easement located on the North side of State Highway 44 extending northward approximately 1120 feet. |
| Public Purpose: | The permanent Aviation 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". |
| Location: | State Highway 44 across from CCIA Corpus Christi, Texas 78406 |

Property: _____ Described in the attached and incorporated _____
Exhibits A and B

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 Exhibit "A".

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 _____

LVN, Inc.

**801 Navigation Blvd., Suite 2000
Corpus Christi, Texas 78408**

PARCEL NO. 1

Field Note Description for a 7.80 acre tract of land called Parcel 1, out of the Marsh Anna Spohn Welch, 91.36 acre tract of land, out of the V.M. Donigan plat recorded in, Volume 1 Page 49, Miscellaneous Map attached to Partition Deed 320003, Volume 501, Page 228, Deed Records of Nueces County, Texas, said 7.80 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, along State Highway No. 44 the southwest corner of a 91.36 acre tract of land in the name of John Paul Hooten, the southeast corner of said 91.36 acre tract for the southeast and beginning corner of the tract herein described;

Thence South $88^{\circ}35'43''$ West, with the north right of way line of said Texas Mexican Railroad, a distance of 213.39 feet to a point for the southwest corner of the tract herein described;

Thence North $09^{\circ}52'35''$ West, a distance of 1,134.36 feet to a point for the northwest corner of the tract herein described;

Thence North $88^{\circ}39'16''$ East, a distance of 392.08 feet to a point in the west line of said 91.36 acre Hooten property, for the northeast corner of the tract herein described;

Thence South $00^{\circ}48'47''$ East, with the west line of said Hooten tract of land, a distance of 1,121.64 feet to the Point of Beginning.

Containing more or less (339,587.3 Square Feet) 7.80 acres of land.

State of Texas
County of Nueces

I, Horacio Oliveira, a Registered Professional Land Surveyor of LVN, 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 15th day of March 2012.

Horacio Oliveira

Horacio Oliveira
State of Texas License No. 1415

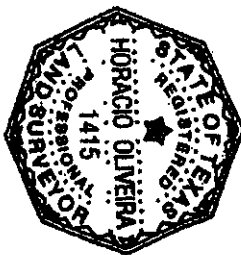


Exhibit "A"



SCALE: 1"=200'

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

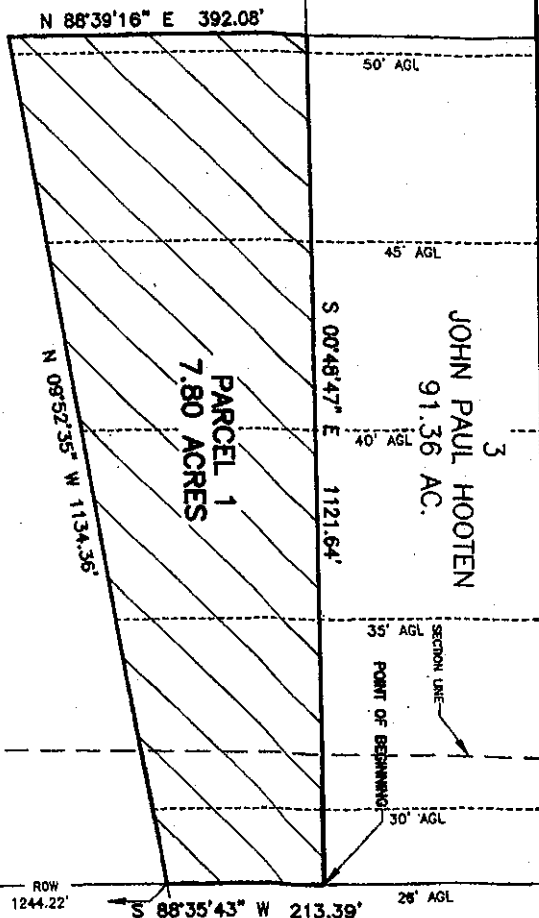


State of Texas
County of Nueces

Horacio Oliveira, a Registered Professional Land Surveyor, of LNW 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 October 2011.

Horacio Oliveira
Horacio Oliveira
State of Texas License No. 1415



MARSH ANNA SPOHN WELCH
91.36 AC.

JOHN PAUL HOOTEN
91.36 AC.

PARCEL 1
7.80 ACRES

NOTES:

- THIS MAP TO ACCOMPANY FIELD NOTE
- DESCRIPTION
- SOURCE OF BEARING-TENS STATE PLANE
- TEXAS SOUTH ZONE-4200-1440 83
- BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONES 'A1, B & C' ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 405444, 0185C, FEMA MAP EFFECTIVE DATE OF JULY 18, 1985.
- PARCEL 1 = 339,987.3 SQ. FT., 7.80 AC.

Exhibit "B"

LEGEND:

- | | |
|------------|-----------------------------------|
| M.R.N.C.T. | MAP RECORDS, NUECES COUNTY, TEXAS |
| LR | IRON ROD |
| LP | IRON PIN |
| FD | FOUND |
| BL | BUILDING LINE |
| AGL | ABOVE GROUND LEVEL |
| PL | PROPERTY LINE |
| ROW | RIGHT OF WAY |
| ----- | SECTION LINE |
| +++++ | R/W, ROAD TRACKS |

EXHIBIT OF
MAXIMUM PERMITTING BUILDING
HEIGHT ABOVE GROUND LEVEL
PARCEL NO. 1
AREA=339,587.3 SQ. FT.
7.80 AC.
REFERENCES: LOT 4,
V.M. DONIGAN
VOLUME 1, PAGE 49, M.R.N.C.T.



LNW
engineers | architects | contractors

Exhibit "B"

Parcel 1