

An ordinance of the City Council of the City of Corpus Christi, Texas (1) determining the public necessity and public use for the acquisition of Right-of-Way Easements, Temporary Construction Easements and fee simple property rights for a street improvement project known as the Rodd Field Road Expansion Project, generally from Saratoga Boulevard to Yorktown Boulevard (Bond 2014); (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 easement and fee simple property interests in the properties within the project area depicted on the Project Location Map; (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 herein by a single record vote of the City Council.

WHEREAS, the City of Corpus Christi is in need of a Right-of-Way Easements, Temporary Construction Easements, and fee simple property rights for the purposes of constructing street improvements at the intersection of Rodd Field Road and Yorktown Boulevard;

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, the Right-of-Way Easements, Temporary Construction Easements, and fee simple property rights 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 roadway intersection and street related improvements optimizes the enhancement and adequacy of municipal streets;

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 the Rodd Field Road Expansion Project, generally from Saratoga Boulevard to Yorktown Boulevard (Bond 2014), and it is in the public interest to acquire the Right-of-Way and Temporary Construction Easements along with any 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 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 easement and fee simple property interests for the Rodd Field Road Expansion Project, generally from Saratoga Boulevard to Yorktown Boulevard (Bond 2014), 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 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.

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 budget that was approved on January 17, 2017, 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.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2017, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Council Member	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2017, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Council Member	_____		

PASSED AND APPROVED on this the _____ day of _____, 2017.

ATTEST:

Rebecca Huerta
City Secretary

Joe McComb
Mayor

Exhibit A - Project Location Map



Rodd Field Road Expansion Project
Project No. E15112

CITY OF CORPUS CHRISTI, TEXAS
DEPARTMENT OF ENGINEERING SERVICES

