

RESOLUTION NO. 66-1989

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PROPERTY AND GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE ELM CREEK CHANNELIZATION PROJECT FROM THE WICHITA VALLEY RAILROAD TRACKS TO F.M. 600, AND FROM PINE STREET TO OLD ANSON ROAD; AND ALLOCATING FUNDS.

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for each of the parcels to be acquired for said project; and,

WHEREAS, there may be improvements located on some of the real property acquired for this project and such improvements may be required to be moved prior to the beginning of this project; and,

WHEREAS, the acquisition of the real property acquired for this project may require the acquisition of additional property out of a particular lot, lots, tract or parcel of land; now, therefore, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the City Council of the City of Abilene hereby officially determines that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition of the necessary property and it is the City of Abilene's intention to acquire said real property as part of the Elm Creek Channelization Project from the Wichita Valley Railroad Tracks to F.M. 600 and from Pine Street to Old Anson Road in Abilene for the purpose of flood control by improving water flow in Elm Creek.

PART 2: That the City Manager is hereby authorized to contract, on behalf of the City of Abilene, with professional appraisers for appraisal services and with attorneys for preparation of title policies needed by the City from time to time

in connection with acquisition of real property for the Elm Creek Channelization Project.

PART 3: That the City Land Agent, or his designee, is hereby authorized and directed to examine the independent appraisal reports as they are submitted to the City to determine whether said appraisal reports are supported by sufficient data. Based upon such examination of said appraisal reports, the Land Agent, or his designee, shall make recommendations to the City Manager as to establishment and approval of an amount for just compensation for each parcel.

PART 4: After consideration of said recommendations, the City Manager shall establish and approve the amounts determined to be just compensation for acquiring needed parcels of land.

PART 5: Upon establishment and approval by the City Manager of the amount of just compensation for acquisition, the Land Agent is authorized to communicate written offers to the owners of the parcels for acquisition at the full amount determined and established to be just compensation therefor, and to negotiate with said owners on behalf of the City of Abilene.

PART 6: That the City Manager be and is hereby authorized to execute all documents necessary to acquire each of the parcels of land needed for said project, on behalf of the City of Abilene.

PART 7: That the City Manager be and is hereby authorized to sell any improvements acquired which are located on the real property acquired in connection with this project and also to sell any additional real property acquired in connection with this project in accordance with the provisions of Tex. Rev. Civ. Stat.

Ann. Article 5421C-12.

PART 8: That the funds required for land acquisition be allocated from the City of Abilene General Obligation Bond Series 1979-80 and 1986.

PART 9: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 7 day of December, A.D., 1989.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY