

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, RELATING TO AND DECLARING THE FOLLOWING: (1) THE AUTHORITY OF THE CITY TO INITIATE, COMPLETE, AND ACQUIRE THROUGH PURCHASE OR CONDEMNATION CERTAIN PROPERTY INTERESTS IN CERTAIN REAL PROPERTIES LOCATED IN THE CITY OF BRYAN, BRAZOS COUNTY, TEXAS FOR AN AUTHORIZED AND DECLARED PUBLIC PURPOSE AND USE, SAME BEING PROVIDING, ENLARGING, CONSTRUCTING OR IMPROVING THE CITY’S ROAD SYSTEM THROUGH THE LOCATION, CONSTRUCTION, AND OPERATION OF PUBLIC RIGHT OF WAY; (2) DECLARING A PUBLIC NECESSITY EXISTS TO ACQUIRE, BY ACQUISITION OR CONDEMNATION, THE TRACT OF LAND FURTHER DESCRIBED IN SECTION FIVE (5) OF THIS RESOLUTION LOCATED IN THE CITY OF BRYAN, BRAZOS COUNTY, TEXAS, IN ORDER TO ACCOMPLISH AN AUTHORIZED AND DECLARED PUBLIC PURPOSE AND USE; (3) THE RATIFICATION OF ALL PRIOR CITY ACTS AND RESOLUTIONS AND (4) THE ESTABLISHMENT OF AN EFFECTIVE DATE AND COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT.

WHEREAS, the City of Bryan, Texas (“City”) is a home rule municipality which is duly incorporated and chartered under the constitution and laws of Texas; and

WHEREAS, the City owns, operates, constructs, repairs, and maintains public roadways throughout the City, including the location of roads, sidewalks, public utilities, and landscaping for the benefit of the travelling public and the citizens of the City; and

WHEREAS, the City Council of the City of Bryan, Texas hereby determines and declares that providing, enlarging, constructing and improving the City’s public roadways, specifically extending Groesbeck Street from its current terminus at the Union Pacific Railroad tracks across Texas Avenue to 32nd Street, and finds that the extension of Groesbeck Street will improve the flow of traffic and create a more efficient means of travel between the West side of the City and the East side; and

WHEREAS, a public necessity exists for the acquisition of the property described herein and made a part hereof, for the public purpose and use of extending Groesbeck Street to connect with 32nd Street, in order to provide a safer alignment for the crossing at Texas Avenue, and

WHEREAS, the City intends and seeks to acquire the subject property and property interests through purchase or condemnation for the above declared public purpose and uses; and

WHEREAS, §251.001(a)(1) of the Texas Local Government Code authorizes municipalities to exercise the right of eminent domain for public purposes; and

WHEREAS, the City determines that the best interests and needs of the public, including the health, safety, and welfare of the public, require the City’s public roadways should be improved and enlarged by the City’s acquisition, through purchase or condemnation, of certain property interests in and to certain tracts of real property located in the City of Bryan, Brazos County, Texas, said tract being described herein a fee simple interest in that property described as 801 S. Texas Avenue and 505 E. 32nd Street; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

1.

THAT singular nouns and pronouns shall include the plural, and the masculine gender shall include the feminine gender, where necessary for a correct meaning of this document.

2.

THAT all prior acts of the City, including the acts of its elected and appointed officials, officers, employees, agents, representatives, or attorneys, regarding the Groesbeck extension project, the subject property, and the subject property interests are hereby authorized, ratified, approved, confirmed, and validated, including but not limited to all offers to purchase, purchases, acquisitions, offers, acceptances, or declinations, negotiations, and all other land acquisition activities regarding the Groesbeck extension project.

3.

THAT all statements made in the caption, preamble, and preliminary recitals of, and all documents referenced or attached to this document are true, correct, and incorporated by reference.

4.

THAT the best interests and needs of the public, including the health, safety, and welfare of the public, to be furthered by the project described herein, require that the City's public roadway system be enlarged and improved by the City's acquisition, through purchase or condemnation, of the subject property and property interests described herein.

5.

THAT a public necessity exists for the City of Bryan, Texas, to acquire, through purchase or condemnation, a fee simple interest, excluding any oil, gas, or other mineral interests previously severed from the surface estate, over, on, under, and through the tract of land located in Bryan, Brazos County, Texas, known as **801 S. Texas Avenue and 505 E. 32nd Street, Bryan, Brazos County, Texas** and described as all that property sold by Basset and Louise Bryarly Orr to C.E. and Martha Hodde by warranty deed with vendor's lien dated December 16, 1976, as recorded in Volume 364, Page 44 of the Official Property Records of Brazos County, Texas for the public purpose and use as public right of way as described herein for the City of Bryan.

6.

THAT all public purposes and uses described in this document are hereby declared to be worthwhile, convenient, and necessary to justify and support the acquisition of the subject property and property interests for the public roadway project by the City through purchase or condemnation proceedings. A public necessity exists for the City to acquire through purchase or condemnation the subject property interests for the public purposes and uses described herein. The City's acquisition of the subject property and property interests through purchase or condemnation is necessary to accomplish, achieve, and advance the public purposes and uses described herein.

7.

THAT regarding the subject property and property interests described in this document, and pursuant to the Groesbeck extension project, the City hereby declares that the owners and the City are unable to agree on the issue of damages or compensation due to the following facts:

- (a) the City made bona fide, good faith offers to purchase said property and interests from the owners, but said offers were rejected or not accepted.

8.

THAT in furtherance of the Groesbeck extension project, the City's representatives, being its elected and appointed officials, officers, employees, agents, and attorneys are hereby authorized to engage in the following conduct regarding the subject property and property interests:

- (a) Said representatives shall have the authority to lay-out and map the exact location of the land needed regarding the subject property and property interests.
- (b) Said representatives shall have the authority to hire, engage, or direct such City staff, engineers, surveyors, appraisers, title companies, architects, attorneys, or other persons or entities needed to obtain or complete: the mapping or design of the necessary infrastructure, facilities, or improvements regarding the subject property or property interests; the establishment and acquisition of the necessary title to the property or property interests, including the initiation and completion of all administrative and adjudicative phases of condemnation proceedings; and the construction, operation, inspection, removal, and maintenance of the necessary infrastructure, equipment, facilities, or improvements on the subject property.
- (c) Said representatives shall have the authority, with the consent of the property owner or through a court order, to enter upon the property for the purpose of: surveying and establishing title; determining reasonable, adequate, and just compensation; conducting tests; or negotiating with the owner for the purchase for the City of all necessary title regarding the subject property and property interests.
- (d) Said representative shall continue to have authority to determine reasonable, adequate, and just compensation for the subject property and property interests, and to negotiate with the property owner for the purpose of acquiring same for the City.
- (e) Said representatives shall have the authority to initiate and complete all administrative and adjudicative phases of condemnation proceedings against the property owners in order to acquire through condemnation all required title regarding the subject property and property interests.
- (f) Said representatives shall have the authority to initiate and complete all other actions deemed necessary and appropriate to obtain the accomplishment of the public purposes and uses described herein.

9.

THAT the City Attorney of the City of Bryan, Texas, together with outside legal counsel, if necessary, are hereby authorized and directed to institute and prosecute to conclusion proceedings in eminent domain on behalf of and in the name of the City of Bryan, against C.E. Hodde, the owner of the land described hereinabove, and against all other interested owners, lienholders and other holders or claimants of an interest in the said land in order to acquire the easement for said municipal purposes; and

10.

THIS resolution shall be effective immediately upon its passage and adoption. This document was passed and approved at a public meeting in compliance with the Texas Open Meetings Act.

AOPOTED BY VOTE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, this
_____ day of _____, 2024

ATTEST:

CITY OF BRYAN

Mary Lynne Stratta, City Secretary

Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, City Attorney