

RESOLUTION 2011-51

RESOLUTION DETERMINING NEED

A RESOLUTION OF THE CITY OF LA FERIA, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY, INCLUDING, IF NECESSARY, THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE WATER AND WASTEWATER SYSTEMS IMPROVEMENT PROJECTS THROUGHOUT THE CITY IN THE AREAS AS DEFINED BY THE DRINKING WATER STATE REVOLVING FUND AND CLEAN WATER STATE REVOLVING FUND PROJECTS BETWEEN THE CITY AND THE TEXAS WATER DEVELOPMENT BOARD; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF PROPERTY; AND APPROPRIATING FUNDS.

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for all of the real property to be acquired for the purpose of making improvements to the water and wastewater systems in connection with anticipated projects in connection with the Texas Water Development Board (TWDB) and the Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) administered by the TWDB (hereinafter collectively referred to as the "Projects"); and

WHEREAS, the Projects will improve the quality of life of and be to the benefit general welfare of the citizens of the City of La Feria, Texas (hereinafter referred to as the "City");

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LA FERIA, TEXAS, THAT:

- 1) The City Commission of the City hereby officially determines that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition of the real property described in Exhibit "A" attached hereto and made a part hereof for all purposes, either in the form of an appropriate easement or in the form of fee simple title as determined by the City Manager, in consultation with the City engineers, attorneys and financial advisors, to be in the best interests of the City (hereinafter referred to as the "Property"), and it is the City's intention to acquire the Property for all purposes as part of the Projects in the City for the purposes of improvement of the water and wastewater systems of the City.
- 2) The City Manager is hereby authorized to contract on behalf of the City with professional appraisers for appraisal services, with title companies for preparation of title reports and issuance of title policies, as determined necessary by the City Manager, and with the City attorney for required legal services needed by the City from time to time in connection with acquisition of the Property for the Projects.
- 3) The City Manager 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.

- 4) Based upon such examination of said appraisal reports, the City Manager shall establish and approve the amount of the just compensation for the acquisition of the Property.
- 5) Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition, the City Manager is authorized to communicate a written offer to the owner(s) of the Property for acquisition of the Property at the full amount determined and established to be just compensation therefore and to negotiate with said owner(s) on behalf of the City. The City Manager is also authorized to accept all or any portion of such acquisitions in the form of a gift or donation to the City as the City Manager deems to be in the best interest of the City.
- 6) The City Manager be and is hereby authorized to execute all documents necessary to acquire the Property needed for the Projects on behalf of the City of La Feria, including, if determined appropriate by the City Manager, accepting the voluntary conveyance of such Property to the City without further compensation other than the improvement of the indicated utility system of the City.
- 7) The amount of ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000.00)) be and hereby is appropriated from the City's Water/Wastewater Capital Improvement Funds as funding for acquiring the Property for the Projects together with such additional funds to pay all reasonable and necessary expenses related with the acquisition of the Property.
- 8) This resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED this 6th day of December 2011.

APPROVED:



Steve Brewer, Mayor

ATTEST:



Olga Oberwetter, City Secretary

APPROVED:



Richard S. Talbert, City Attorney

EXHIBIT "A"
OF RESOLUTION 2011-51

LEGAL DESCRIPTIONS OF EASEMENTS AND
FEE SIMPLE PARCELS TO BE ACQUIRED

Resolution # 2011-51
Attachment A

Fee Simple

Number	Tract Number	Owner	Property ID	Easement Area (Acres)
1	LS 1	Every Enterprises INC	176570	0.264
2	LS 2	Ort Jack K.	182394	0.1788
3	LS 3	Joe Wolf	179135	0.229

Easements

Number	Tract Number	Owner	Property ID	Easement Width (feet)
1	100	DAVILA, LAMBERT JR & GLORIA Z	182990	15
2	101	DAVILA, LAMBERT JR & GLORIA Z	182988	15
3	102	TREVINO, VANESSA LYNN & JOSE JR	182991	15
4	103	ALLEN, JENNIFER B & SCOTT J	182986	15
5	104	ALLEN, JENNIFER B & SCOTT J	182986	15
6	105	WOLF STEVE JOSEPH JR	178446	20
7	106	WOLF STEVE JOSEPH JR	178452	20
8	107	GONZALES MARIO & AIDA	178453	20
9	108	WOLF JOE S	178455	20
10	109	SOMERS CLYDE R	178443	20
11	110	JOE S. WOLF AKA JOE WOLFE	176955	20
12	111	IRMA DAVIS		20
13	112	LA FERIA INDEPENDENT SCHOOL DISTRICT	176956	20
14	113	LA FERIA INDEPENDENT SCHOOL DISTRICT	176956	20
15	115	LETICIA RODRIGUEZ	179179	20
16	116	RAY DAVID L	179165	20
17	117	BEERRA MARK	179164	20
18	119	EDELSTEIN STEPHEN H ET UX	179159	20
19	120	GARCIA HUGO	179162	20
20	121	ORT JACK K	179163	20
21	122	JACK K. ORT	179149	20
22	123	ORT JACK K	179150	20
23	124	TREVINO JAVIER	179151	20
24	125	LINDSEY RICHARD WOLF	179147	20
25	126	JOE S. WOLF AKA JOE WOLFE	179135	20
26	127	GUILLERMO FRAGA AND MARIA NATIVIDAD	179139	20
27	128	MARTHA WALCZAK EST AND JUDITH J. LENTZ	181910	20
28	129	SAMUEL F. MAGEE ET UX	181912	20
29	130	LA FERIA INDUSTRIAL DEVELOPMENT CORP. INC.	181913	20
30	131	LA FERIA INDUSTRIAL DEVELOPMENT CORP. INC.	181913	20
31	132	BOWERS WILLIAM	181917	20
32	133	DUNN RICHARD L ET UX	181914	20
33	134	BARBEE WILLIE E & TOMASA	181248	20
34	135	CASAS ANTONIO C	181249	20
35	136	CASAS ANTONIO C & SANDRA S	181251	20
36	137	LENTZ JUDITH J REV TR	180425	20
37	138	CAMACHO MARY FRANCES	180423	20
38	139	CAMACHO JESUS JR ET UX	180422	20
39	140	LA FERIA INDUSTRIAL DEV CORP INC	180325	20
40	141	MAPLE KENNETH E ET UX	180416	20
41	142	CASTANEDA ALBERTO R & SYLVIA M	180427	20
42	143	CASTANEDA ALBERT	180426	20
43	144	LOPEZ JOSE LUIS II	180420	20
44	145	LOPEZ JOSE LUIS II	180421	20
45	146	LA FERIA INDUSTRIAL DEV CORP INC	180325	20
46	148	RODRIGUEZ JOEL & ET UX	180324	20
47	149	RODRIGUEZ REYES & MARIA ELENA	180323	20
48	150	RODRIGUEZ REYES & MARIA ELENA	180322	20
49	151	JOHNSON JERRY D & RUTH A TR OF	180440	20
50	152	JOHNSON JERRY D & RUTH A TR OF	180437	20
51	153	JOHNSON JERRY D & RUTH A TR OF	180437	20
52	154	JOHNSON JERRY D & RUTH A TR OF	180437	20
53	155	BALL GRADY JO	180449	20
54	156	FLORES NOELIA	180454	20
55	157	LOPEZ ADOLFO G & ANGELINA	180451	20
56	158	AKIN TED	175977	20
57	159	COMOS BROADCASTING CORPORATION	180455	20
58	200	CUELLAR SERGIO RUBEN & ELDA	176629	20
59	201	Contreras, Jose & Celia	176627	20
60	202	De Los Santos, Javier & Tina G.	176622	20
61	203	De Los Santos, Javier & Tina G.	176622	20
62	204	Cabrera, Elisa	176667	20
63	205	De Anda, Felix	176665	20
64	206	De Anda, Felix	176664	20
65	207	Jenkins, Dora Solis	177345	20
66	208	Muniz, Domingo & Muniz, Leticia	179631	20
67	209	Leticia Muniz	179632	20
68	210	Bennett, Donald B. & Lois E	177343	20
69	211	Humberto & Enequina Luna	177341	20
70	212	Dora Solis Jenkins	177347	20
71	213	Markowsky, Leeland Paul	177348	20
72	214	Ahumada, Felimon ET UX	181345	20
73	215	SALAZAR, NOEMI	179624	20
74	216	ROBERTS, JOHN	181347	20
75	217	Garcia, Maurice	181354	20
76	218	Longoria, Leonel L. & Norma A.	181351	20
77	219	MYERS RABB LLC	182384	20
78	220	GONZALES, JESUS JR & CYNTHIA	182383	20
79	221	C & MLG LLC	182381	20
80	222	OIZLER DANIEL ET UX	182380	20
81	223	ROMERO ALBERTO	182379	20
82	224	HALL NATHANIEL A & DAVID A	182377	20
83	225	LA FERIA INDUSTRIAL DEVELOPMENT CORPORATION INC	180429	20
84	226	PINA CANDIDO & ARACELY	181043	20
85	227	JIMENEZ ANGELINA	181042	20
86	228	CAMARILLO ADRIAN	181041	20
87	229	CAMARILLO INEZ P	181040	20
88	230	VALLADARES PATRICIA	181039	20
89	231	RODRIGUEZ JOSE PEDRO	180431	20
90	232	GERARDO JIMENEZ	179595	10

Resolution # 2011-51
Attachment A

Fee Simple

Number	Tract Number	Owner	Property ID	Easement Area (Acres)
91	233	NAOMI SERNA	180418	20
92	234	ORT JACK K	182394	20
93	235	HALL NATHANIEL A & DAVID A	182377	20
94	236	ROMERO ALBERTO	182379	15
95	237	CIZLER DANIEL ET UX	182380	15
96	238	FIRST COMMUNITY BANK NA	182381	15
97	300	SERGIO & GERALDINE M DEGOLLADO	239983	5
98	301	SERGIO & GERALDINE M DEGOLLADO	239984	5
99	302	SERGIO & GERALDINE M DEGOLLADO	239985	5
100	303	SILVERSTRE GUAJARDO	183193	5
101	304	HERTOR & LINDA GONZALES	183110	5
102	305	LEACH & MINNICK PC	183111	5
103	306	YOUNG JOHN III & CATHY YOUNG DBA SANTA ANITA PROPERTIES	183112	5
104	307	BAUER CARL & MARIE C	VOL. 5589, PG. 334	5 & 20
105	308	REGER ROBERT & GAYLE	183002	20
106	309	BAUER CARL & MARIE C	183089	20
107	310	KVS FAMILY LIMITED PARTNERSHIP	177459	20
108	311	EVERY ENTERPRISES INC.	176570	20
109	312	SONIA GUAJARDO	176698	20
110	400	RAUL GARATE	182261/182262	20
111	401	MARTINEZ MARIA D	182263	20
112	402	LINDSEY RICHARD WOLF	182271	20
113	403	SCHREIBER GREG & RHONDA	182267	20
114	404	FEDERATION HOLDING CO. TRUST	182266	20
115	405	SCHREIBER GREG & RHONDA	182267	20
116	406	BRUCE, EDWARDS	182275	20
117	408	BETTS, LLOYD & DANA	176362	20
118	409	GARY, RICHARD HIPPLE	176448	15
119	410	REYNOLDS, ALISON L	176450	15
120	411	NEESE, MARY K REYNOLDS	176451	15
121	412	SHANLIAN, GREGORY	176368	20
122	413	CANO, HUMBERTO H & GILBERTO GALVAN	178510	20
123	414	ACUFF, FREDERICK GENE ET UX	176359	20
124	415	PUTTAGUNTA, HARSHA V & SOBHA	176364	20
125	416	ALEXANDER GEORGE R II & ALEXANDER, BIRNA K TRS OF T	176363	20
126	417	WIEGAN, CRAIG L ET UX	176368	20
127	418	FLOYD, R. HOLCOMB	176369	20
128	420	NASARIO S. HERNANDEZ JR.	179193	20
129	421	NASARIO S. HERNANDEZ JR.	179194	20
130	422	STEPHENSON JAMES ALLEN	356473	20
131	423	STEPHENSON JAMES ALLEN	179196	20
132	430	OLIVAREZ JOSE NOE JR & SANDRA	179217	20
133	431	MOSEY WILLIAM LEN & MERRILL	179220	20
134	432	OLIVARES RUBEN	179218	20
135	433	HOYER MARY KATHLEEN CLAY	179227	20
136	434	LIEVENS ORCHARD CARE INC	179223	20
137	435	CARTER HOWARD & GLENNA	176464	20
138	436	ARNOLD RONALD R	182283	20