

RESOLUTION 2011-52

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 DRAINAGE SYSTEM IMPROVEMENTS IN CONNECTION WITH THE DISASTER RECOVERY DRAINAGE PROJECT RELATING TO GRANT AGREEMENT – GLO CONTRACT NO. 12-211-000-5511 COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM BETWEEN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS AND THE CITY OF LA FERIA; 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 the anticipated improvements to the drainage system in relation to the Disaster Recovery Drainage Project relating to Grant Agreement – GLO Contract No. 12-211-000-5511 Community Development Block Grant Disaster Recovery Program between the General Land Office of the State of Texas and the City of La Feria (hereinafter referred to as the “Project”); and

WHEREAS, the Project 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, whether such property lies within or without the municipal boundaries of the City, either in the form of an appropriate easement or in the form of fee simple title as determined by the City Manager 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 Project in the City for the purposes of improvement of the drainage system and other utility 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 Project.
- 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.
- 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 Million Eight Hundred Thirty-Eight Thousand One Hundred Thirty-Seven Dollars (\$1,838,137.00) be and hereby is appropriated from the Disaster Recovery Drainage Project relating to Grant Agreement – GLO Contract No. 12-211-000-5511 Community Development Block Grant Disaster Recovery Program as funding for acquiring the Property for the Project 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 2011-52

LEGAL DESCRIPTIONS

**Resolution # 2011-52
Attachment A**

Easements

Number	Tract Number	Owner	Property ID	Easement Width (feet)
1	100	Hubbard Gerald B	174445	200
2	101	Hubbard Gerald B	174446	200
3	102	Hubbard Gerald B	174447	200
4	103	NJD Holdings LTD	176159	200
5	104	NJD Holdings LTD	176158	200
6	105	NJD Holdings LTD	176157	200
7	106	NJD Holdings LTD	176153	100
8	107	La Feria Water District	176154	100
9	108	Wolf Lindsey Richard	176952	200
10	109	La Feria ISD	366252	200
11	110	La Feria ISD	176953	200
12	111	La Feria ISD	176954	200
13	112	La Feria ISD	176954	200
14	113	La Feria ISD	366252	200
15	114	Wolf Steve Joseph JR	178452	200
16	115	Wolf Steve Joseph JR	178447	200
17	116	Gonzales Paul	178444	200
18	117	Martinez Gerardo F	182973	200
19	118	Land Commonly Known "The White Ranch"	0	200
20	119	MCELWRATH SHERRY SHAMLIAN	176360	200
21	120	Puttagunta Harsha V & Sobha	176364	200
22	121	Puttagunta Harsha V & Sobha	0	200
23	122	Theiss Walter	176367	200
24	123	Holcomb Floyd R	176369	200
25	124	Theiss Walter	176371	200
26	125	Guevara Tony & Guevara Dora TR REV LIV TR DTD 8/10/2009	176374	200
27	126	Arnold Ronald R	182283	200
28	127	Silguero Fabian	182286	200
29	128	Silguero Fabian	182286	200
30	129	Beakley Canal (3/15)	0	200
31	130	ROCHA, GERARDO M & DALIA GONZALES	182287	200
32	131	Cano Andre	182288	200
33	132	BERNAL JUAN & VIRGINIA O	235361	200
34	133	ESQUEDA PATRICIA M	176972	200
35	134	GUERRERO BEATRIZ	184268	200
36	135	CAMERON COUNTY	184269	200
37	136	Cameron County (Picher Block 3)	0	200
38	137	Becton James A	181955	200
39	138	Becton James A	181955	200
40	139	Jones Malcolm D & Brenda B	181958	200
41	140	Jones Malcolm D & Brenda B	181960	200
42	141	Lloyd James L & Sangwal	181964	200
43	142	Lloyd James L & Sangwal	181964	200
44	143	Lloyd James L & Sangwal	181964	200
45	144	JARAMILLO MARIA S & JARAMILLO RAUL	181969	200
46	145	MAY EDWARD M & GUNDA	181973	200
47	146	UNITED STATES OF AMERICA	181974	200
48	200	HELMER HEATHER MOODY	177438	50
49	201	HELMER HEATHER MOODY	177433	50
50	202	HELMER HEATHER MOODY	177433	75
51	203	HELMER HEATHER MOODY	177435	75
52	204	SCHNURER ISABEL MUNGUIA	181280	50
53	205	SCHNURER ISABEL MUNGUIA	181279	50
54	206	TORRES FELIPE ET UX	181276	50
55	207	OCHOA JUAN ET UX	182321	50
56	208	OCHOA JOSE Z	182324	50
57	209	RODRIGUEZ ROBERT G ET UX	182323	50
58	210	RODRIGUEZ ANDRES G ET UX	182325	50
59	211	RODRIGUEZ MARIA D & CARLOS JAVIER	182326	50
60	212	RODRIGUEZ RODRIGO JR ET AL	182327	50
61	213	RODRIGUEZ RODRIGO JR ET AL	182327	25
62	214	LEIJA NOE ET UX	182329	25
63	215	BURGOINE JEAN LOUISE ORR TRT ET AL	182335	75

Resolution # 2011-52
Attachment A

Easements

Number	Tract Number	Owner	Property ID	Easement Width (feet)
64	216	OKEEFFE MARY	182336	75
65	217	OKEEFFE MARY	182337	75
66	218	OKEEFFE MARY	182338	75
67	219	OKEEFFE MARY	182338	75
68	220	OKEEFFE MARY	182338	75
69	221	ORT JACK K	182385	50
70	222	WOLF JOE S AKA JOE WOLFE	182386	50
71	223	ORT JACK K	182394	50
72	224	WOLF JOE S AKA JOE WOLFE	182393	50
73	225	ORT JACK K	182394	50
74	226	WOLF JOE S AKA JOE WOLFE	182393	50
75	300	Avalos Juan O & Mercedes	179180	50
76	301	Munoz Lupe P et al	86220	50
77	302	Sapp Helen	86577	50
78	303	Acosta Nora Elisa	179429	50
79	304	Rodriguez Alfonso & Maria A	179438	50
80	305	Flores Criselda Rodriguez	179187	50
81	306	Cavazos Octaviano & Irene G	179171	50
82	307	Robles Robert & Rebecca Rios	179173	50
83	308	Edelstein Stephen & Joan	179168	50
84	309	Beale Nolton & Kathleen	179158	50
85	310	Mendez Margarito & Oliveria	178437	50
86	311	Gomez Julia	178436	50
87	312	Saldivar Ovidio Z & Saldivar Gilma E	179152	50
88	313	Facundo Felix	179146	50
89	314	MARTINEZ, MARY	179144	50
90	315	Wolf Lindsey R	179147	50
91	316	Wolf Joe S	179135	50
92	317	Wolf Lindsey Richard	176952	50
93	318	Wolf Lindsey Richard	176950	50
94	400	MORRELL ELIZABETH P	184112	75
95	401	HOYER MARY KATHLEEN CLAY	181359	75
96	402	WOLF JOE S	182393	50 & 75
97	403	ORT JACK K	182394	50
98	404	LONGORIA LEONEL L & NORMA A	181352	50
99	405	GARCIA MAURICE ET UX	181353	50
100	406	ROBERTS JOHN	181348	50
101	407	HOYER MARY KATHLEEN CLAY	181359	50
102	500	D & C PROPERTIES LTD	175919	75
103	501	GREEN WAYNE & DIAN	175916	75
104	502	BETANCOURT ENRIQUE AND ESTELA	174705	75
105	503	BETANCOURT ENRIQUE AND ESTELA	174706	75