

**RESOLUTION NO. R-2024-12**

**A RESOLUTION FINDING A NECESSITY FOR THE ACQUISITION OF CERTAIN LAND FOR SEWER SYSTEM UPGRADES; DECLARING SUCH ACQUISITION FOR A PUBLIC PURPOSE; AUTHORIZING CONDEMNATION FOR THE RIGHT-OF-WAY INTEREST IN SAID PROPERTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, engineering studies heretofore conducted have determined that acquisition of the hereinafter described property is necessary for the public use of constructing, operating, and maintaining the sewer system located in and around Wynnwood Drive in Tyler, Texas, known as the Wynnwood Drive Sewer Project (the "Project"), to upgrade the current sewer system for the City of Tyler, Texas; and

**WHEREAS**, the City Council has found that a public necessity requires such land acquisition; and

**WHEREAS**, the City Council has found and determined that the easement interest in and to the hereinafter described property is suitable for such purpose and that it is necessary to acquire same for construction, operation, and maintenance of the sewer system on and around said property; and

**WHEREAS**, the City of Tyler, through its duly authorized representatives, has negotiated with the owners of such land and has been unable to agree with such owners as to the fair cash market value thereof;

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

**PART 1:** The City of Tyler has offered Steven A. Pickett and Elaine Hill Almand Pickett, landowners, a final offer in writing of \$4,300.00, a reasonable sum of money to compensate for the value of the easement and damages, if any, to the remainder of this property, the offer of which is hereby confirmed.

**PART 2:** That acquisition of an easement interest in and to the following described property is hereby found to be necessary for the public use of constructing, operating, and maintaining the sewer system:

**Being a 0.021 acre tract of land situated in the William Keys Survey, Abstract No. 526, City of Tyler, Smith County, Texas, and being part of Lot 4, N.C.B. 1009-H of Southern Oaks Subdivision, Unit 2, according to a Final Plat thereof recorded in Cabinet A, Slide 224-C of the Plat Records of Smith County, Texas, being more fully described in Exhibits A and B attached hereto and made a part hereof.**

**PART 3:** That it is hereby determined that the City of Tyler has, in fact, transmitted bona fide offers to the property owners, in accordance with the laws of the State of Texas, for the property described herein, and the owners of the property and the City of Tyler have been unable to agree and cannot agree upon the value of the land or the damages, if any, to be paid and further settlement negotiations have become futile and impossible. A true and complete copy of the Right-of-Way Agreement offered by the City of Tyler as its last and final offer is

attached hereto as Exhibit "C". The final monetary offer of the City of Tyler is hereby confirmed and approved.

**PART 4:** That the City Attorney of the City of Tyler, or an attorney authorized by her, be and is hereby authorized and directed to file and cause to be filed against the owner, proceedings in eminent domain to acquire the easement interest in and to the above-described property and to conduct all parts of the condemnation in accordance with the laws and procedures of the State of Texas.

**PART 5:** That the first record vote taken by the Tyler City Council to approve this Resolution applies to all units of property to be condemned.

**PART 6:** That this Resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED** this 14th day of February, AD. 2024.

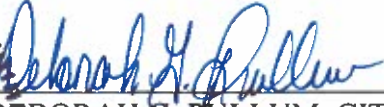
  
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DONALD P. WARREN, MAYOR

ATTEST:

APPROVED:

  
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CASSANDRA BRAGER, CITY CLERK



  
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DEBORAH G. FULLUM, CITY ATTORNEY