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RESOLUTION NO. 24-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING JUST COMPENSATION FOR CERTAIN TRACTS OF LAND TO BE ACQUIRED FOR THE SHERWOOD FOREST AND SOUTHWEST MESQUITE DRAINAGE PROJECT; AND AUTHORIZING THE STAFF TO MAKE OFFERS TO PURCHASE TO THE PROPERTY OWNERS BASED UPON SUCH ESTABLISHED JUST COMPENSATION; AND DECLARING THE EFFECTIVE DATE THEREOF.

WHEREAS, the City of Mesquite has received Community Development Block Grant Funds from the United States Department of Housing and Urban Development to acquire certain lands and easements in and near an area known as Sherwood Forest and designated as Southwest Mesquite Drainage Project in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and,

WHEREAS, said fee parcels and easements have been appraised independently by competent professional appraisers to determine the fair market value and just compensation due the owners; and

WHEREAS, said Staff Review Appraiser has determined for each of the hereinafter attached Parcels his opinion of the fair market value of each parcel and City Council, having reviewed his report and determination, agrees with such determination and established as listed in the attached list of property owners dated September 15, 1978, the amount set opposite each owner's name as being the fair market value of the property being acquired;

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

SECTION 1. That the City Council of the City of Mesquite hereby certifies that:

A. Each parcel listed in attached "Exhibit A" dated September 15, 1978, was appraised independently by a qualified professional appraiser competent to appraise the property involved herein and a signed copy of each appraisal will be retained in the records of the City of Mesquite for at least three years after completion of this project;

It is also recorded in each appraisal report the amount of estimated damages (if any) for each parcel. Damages allowed when added to the appraised value of the part taken then becomes the amount shown under just compensation in the view of the appraiser.

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B. The City's Review Appraiser, Elland Archer, whose address is Municipal Building, Galloway at Municipal Way, Mesquite, Texas, 75149, is qualified to review the appraisals made and to determine the fair market value on the basis of such review and Mr. Archer does not have any interest, present or prospective, in conflict with the performance of such services;

C. Mr. Archer has made an on-site review of all appraisals, has obtained from the original Appraiser all corrections, revisions, and additional information needed for a fully satisfactory evaluation of the appraiser's reports; has determined that such reports are complete and substantially consistent with respect to the factual data therein, complying with all contractual requirements for the appraiser's services and providing an acceptable basis for determining the fair market value of each fee taking or easement.

D. City Council has reviewed the Review Appraiser's Report certifying to the findings stated in preceding paragraph C, above, and furnishing the Review Appraiser's determination of fair market value, which is just compensation and his basis therefore for each of the easements; the original Report will be retained in the records of the City for at least three years after the project is closed;

E. The determination of fair market value which is just compensation of the land and easements covered, by this Resolution as set forth in attached Exhibit "A" are in the amounts determined by the Review Appraiser to be the fair market value of the parcels to be acquired.

SECTION 2. The Mayor or his Staff designee is authorized to offer the amount of just compensation opposite each owner's name in attached Exhibit "A" and to further negotiate with each landowner in accordance with such authority as approved by City Council.

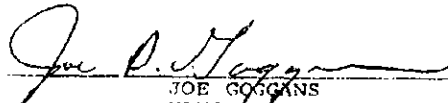
SECTION 3. That the City Director of Finance is hereby authorized to set aside and encumber the amount of \$448,795.00 plus additional amounts as authorized by City Council for negotiation to cover all of the offers.

SECTION 4. Each offer shall be conditional upon the owner having a good indefeasible, merchantable title, subject only to interests in the tract already owned by the City of Mesquite, Texas;

Section 5. Each owner accepting an offer made as authorized herein shall be tendered a contract and upon execution of such contract and approval of same by the City Attorney, said contract may then be presented to the City Finance Director for payment of said sum plus any closing costs incurred in connection with the transfer of title;

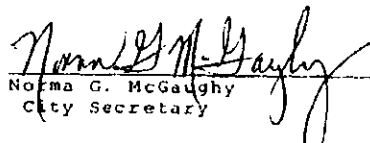
SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with provisions of the Charter of the City of Mesquite, and it is accordingly so resolved.

IT IS FULLY RESOLVED by the City Council of the City of Mesquite, Texas, on the 16th day of October, A.D., 1978.



JOE GOGGANS
MAYOR PRO TEM

ATTEST:



Norma G. McGaughy
City Secretary