

A Resolution

NO. _____

APPROVING A RESOLUTION ADOPTED BY THE FORT WORTH TRANSPORTATION AUTHORITY'S EXECUTIVE COMMITTEE, AND EACH PROPOSED ACQUISITION DESCRIBED THEREIN, TO ACQUIRE BY EMINENT DOMAIN, IF NECESSARY, CERTAIN PARCELS OF LAND LOCATED WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF FORT WORTH, CONSISTING OF A TOTAL OF APPROXIMATELY 7.722 ACRES, FOR THE CONSTRUCTION, EXTENSION, IMPROVEMENT, OR DEVELOPMENT OF TEX RAIL

WHEREAS, the Fort Worth Transportation Authority ("The T") is governed by a Board of Directors, which serves as The T's governing body and constitutes its Executive Committee under Chapter 452 of the Texas Transportation Code;

WHEREAS, on May 23, 2016, the Executive Committee of The T adopted a Resolution, a full and complete copy of which is attached hereto as Exhibit "A," ("Resolution") declaring that acquisition of certain identified parcels of land located within the territorial limits of the City of Fort Worth, consisting of a total of approximately 7.722 acres, is a public necessity and necessary and proper for the construction, extension, improvement, or development of TEX Rail, a public transportation system, with such parcels identified and described in the exhibit to the Resolution;

WHEREAS, the Resolution authorized the President/CEO of The T or his authorized representative to undertake certain activities to acquire the identified parcels by negotiated sale or by eminent domain, if necessary;

WHEREAS, Texas Transportation Code Sections 452.058 and 452.059 require The T obtain the City Council's approval before The T can acquire by eminent domain any interest in real property located in the City of Fort Worth;

WHEREAS, The T has requested that the City Council approve the Resolution to acquire by eminent domain, if necessary, the parcels identified in the exhibit attached to the Resolution; and

WHEREAS, the City Council does not object to The T's acquisition by eminent domain, if necessary, of the identified parcels for the TEX Rail project;



NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT:

The City Council of the City of Fort Worth approves the attached Resolution adopted by the Executive Committee of The T to acquire by eminent domain, if necessary, each parcel described in the exhibits to the attached Resolution, and the City Council approves each proposed acquisition described therein.

Adopted this _____ day of _____ 2016.

ATTEST:

By: _____

Mary Kayser, City Secretary



A Resolution

Exhibit A

**Resolution of the Board of Directors
of the
Fort Worth Transportation Authority
Regarding Declaration of Public Necessity and Condemnation
of Real Property for TEX Rail Corridor
(R2016-05)**

WHEREAS, the Fort Worth Transportation Authority (FWTA) is a regional transportation authority which, under Chapter 452 of the Texas Transportation Code (the "Code"), may acquire, construct, develop, plan, own, operate, and maintain a public transportation system; and

WHEREAS, TEX Rail, a 27-mile commuter-rail project FWTA will operate between Fort Worth, Texas, and Dallas/Fort Worth International Airport, is a public transportation system; and

WHEREAS, FWTA's acquisition of the real property described on Exhibit "A" attached to and made a part of this resolution (collectively, the "TEX Rail Parcels") is necessary and proper for the construction, extension, improvement, or development of TEX Rail; and

WHEREAS, federal and local funds are included in FWTA's FY2015 capital budget to pay for the acquisition of the TEX Rail Parcels; and

WHEREAS, under Chapter 452 of the Code, FWTA has the power to acquire by eminent domain any interest in real property for the construction, extension, improvement, or development of a public transportation system, such as TEX Rail; and

WHEREAS, FWTA's Attorney has reviewed this resolution and has found that it is in compliance with all federal and state requirements; and

WHEREAS, FWTA's Board of Directors is FWTA's governing body and constitutes its Executive Committee under Chapter 452 of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fort Worth Transportation Authority that:

Acquisition of the parcels of real property comprising the TEX Rail Parcels described on Exhibit "A" is a public necessity, in the public interest, and necessary and proper for the construction, extension, improvement, or development of TEX Rail, a public transportation system;

The President/CEO of FWTA or his authorized representative shall request that the City Council for the City of Fort Worth, Haltom City, North Richland Hills, Southlake and Grapevine approve this resolution and FWTA's proposed acquisition of the TEX Rail Parcels;

A Resolution

Upon approval by the City Council of the City of Fort Worth, Haltom City, North Richland Hills, Southlake and Grapevine of the matters discussed in the preceding paragraph, the President/CEO or his authorized representative is hereby authorized and directed to:

Procure, if needed, from a qualified real estate appraiser an appraisal of each of the TEX Rail Parcels to be acquired;

Make an offer to the owner or owners of each of the TEX Rail Parcels to procure all rights necessary and proper for the construction, extension, improvement, or development of TEX Rail and otherwise negotiate for the acquisition of those rights;

Acquire all rights in the TEX Rail Parcels necessary and proper for the construction, extension, improvement, or development of TEX Rail;

If necessary, commence the filing of condemnation proceedings for the acquisition of fee simple title (including use of air and subsurface space) to all or any portion of any TEX Rail Parcel listed on Exhibit "A";

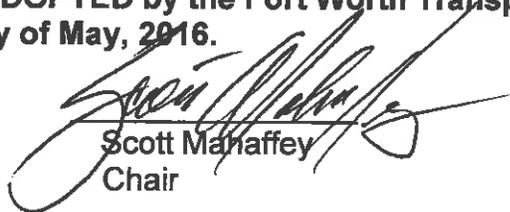
Deposit a sum of money awarded by the Court-appointed Special Commissioners with the registry of the appropriate court as directed by Chapter 21 of the Texas Property Code; and

Execute all documents and perform all other acts necessary for the acquisition of the TEX Rail Parcels.

If it is necessary to acquire a TEX Rail Parcel by condemnation, the Board finds that FWTA's condemnation of any TEX Rail Parcel will not (a) unduly impair the existing neighborhood character of property surrounding, or adjacent to, any property to be condemned, (b) unduly interfere with interstate commerce, or (c) authorize FWTA to run a vehicle of FWTA on a railroad track that is used to transport property.

Notwithstanding anything to the contrary in this resolution, FWTA shall not acquire by condemnation an interest in real property for use as a station or terminal complex if such real property is located more than 1,500 feet from the center point of the station or terminal complex, as designated by the Board of Directors, but the limitation in this paragraph shall not impair any authority granted by this resolution with respect to any other property.

ADOPTED by the Fort Worth Transportation Authority Board of Directors on this, the 23rd day of May, 2016.


Scott Mahaffey
Chair


Carter Burdette
Secretary



THE STATE OF TEXAS §
COUNTY OF TARRANT §
FORT WORTH TRANSPORTATION AUTHORITY §

I, the undersigned, Secretary of the Board of Directors for the Fort Worth Transportation Authority (the "Authority"), hereby certify that the above and foregoing is a true, full and correct copy of the duly presented and adopted by the Board of Directors, at a regular session held on the 23rd day of May, A.D. 2016, as same appears of record in the official Authority files.

WITNESS my hand and seal of said Authority this 23rd day of May, A.D. 2016.



Carter Burdette
Secretary, Board of Directors
Fort Worth Transportation Authority

AUTHORITY SEAL

EXHIBIT A TO AGENDA ITEM NO. BA2016-45

All of the following-described parcels of land are located in the City of Fort Worth, Texas. References to property additions or subdivisions are additions or subdivisions of the City of Fort Worth, Haltom City, North Richland Hills, Southlake and Grapevine, Texas.

Parcel X0448, known as 555 Elm Street, owned by The Fort Worth Depot, LLC, a Texas limited liability company, containing approximately 4,500 square feet in the Mitchell Baugh Survey, Abstract No. 106, and the Rebecca Briggs Survey, Abstract No. 116 and being all of the NBC Warehouse Addition to the city of Fort Worth, and being part of Tract 1 described in deed recorded in Instrument No. D207099349 of the Official Public Records of Tarrant County.

Parcel X0450, known as 1300 East Fourth Street, owned by Bank of America, N.A., as Trustee of the Ann L. Rhodes and Carol G. Rhodes Charitable Trust under the will of Ann L. Rhodes, Deceased, containing approximately 70,000 square feet in the Moore-Thornton & Company Strips Addition an unrecorded plat in the city of Fort Worth, Tarrant County, Texas and the Rebecca Briggs Survey, Abstract No. 116, and being the same property conveyed in Instrument No. D209325731 of the Official Public Records of Tarrant County.

Parcels X0464B, known as 1408 East 1st Street, owned by McKneely Properties, Ltd., containing approximately 7,000 square feet in Lot 3, Block 17, Moore-Thornton & Company Addition to the city of Fort Worth.

Parcel X0509, known as 1609 East Bluff Street, owned by Ronald E. Hendrix, containing approximately 1,850 square feet in Lot 10, Block 1, Wolcotts Subdivision of Sam Evans Addition to the city of Fort Worth.

Parcel X0511, known as 1610 East Peach Street, owned by West Crest Partners, LLC, containing approximately 5,500 square feet in Lot 8, Block 1, Wolcotts Subdivision of Sam Evans Addition to the city of Fort Worth.

Parcel X0511A, known as 1518 East Peach Street, owned by Ignacio Villegas, Jr., containing approximately 1,600 square feet in Lot 7, Block 1, Wolcotts Subdivision of Sam Evans Addition to the city of Fort Worth.

Parcel X0531, known as 3425 Deen Road, owned by CEstrada Properties, LLC, containing approximately 4,800 square feet in Lot 8, Block 4A, Diamond Hill Highlands Addition Addition to the city of Fort Worth., and Lot 1A and Lots 1A and 2B, McCorstin Construction Corporation Subdivision Addition of the city of Fort Worth., being a portion of land described in deed recorded in Instrument No. D215235605, Official Public Records of Tarrant County.

Parcel X0540, known as 3428 Deen Road, owned by Southwestern Petroleum Company, Inc., containing approximately 7,000 square feet in Lot A, Southwestern Petroleum Company Addition to the city of Fort Worth.

Parcel X0545A, known as 2474 East Long Avenue, owned by Rhodia, Inc., a Delaware Corporation, containing approximately 95,000 square feet in the Seburn Gilmore Survey, Abstract No. 590, and being part of the tract described in deed recorded in Volume 13526, Page 245 of the Official Public Records of Tarrant County.

Parcel X0545D, known as 3412 Kelli Court, owned by E. Glen Sanders and Robert R. Heath, containing approximately 22,000 square feet in Lot 5-R, Block 1-R, Diamond Heights Industrial Addition to the city of Fort Worth.

X0559 and X0559B, known as 1901 Cold Springs Road, owned by Apac-Texas, Inc., a Delaware corporation, containing approximately 30,000 square feet, both in the Ashland Oil Addition to the city of Fort Worth, and being part of the tract described in deed recorded in Volume 9764, Page 1 of the Deed Records of Tarrant County, Texas.

Parcel X0582A, known as 2304 Decatur Avenue, owned by Garry Harris and Noe Lopez, containing approximately 15,000 square feet in the E. Little Survey, Abstract No. 954, and being all of Lot 1-R, Block 1, Diamond Hill Addition to the city of Fort Worth.

Parcel X0582D, known as 2312 Decatur Avenue, owned by Marilyn K. Burgess and Edwin H. Langford, Jr., containing approximately 30,000 square feet in Lot 2-R, Block 1, Diamond Hill Addition to the city of Fort Worth.

Parcel X0589A, known as 2455 Decatur Avenue, owned by 777 Main Street, LLC, containing approximately 5,000 square feet in the E. Little Survey, Abstract No. 954, Tarrant County, Texas.

Parcel X0596, known as 2707 Decatur Avenue, owned by Fort Worth Grain & Cotton Exchange, containing approximately 35,000 square feet in Block 2, Fort Worth Stock Yards Company Addition to the city of Fort Worth, and being part of the tract described in the deed recorded in Volume 2989, Page 268 of the Official Public Records of Tarrant County, Texas, save and except that portion previously deeded to the State of Texas

Parcel X0695A, known as 4501 North Beach Street, owned by Dillard Texas Operating Limited Partnership, a Texas limited partnership, containing approximately 2,100 square feet in Lot 1, Block 6, North Star Addition to the city of Fort Worth.

Parcel X0700, known as 4409 Haltom Road, owned by NARE 4409 L.P., containing approximately 1,500 square feet in Block 1, Lot 1, Molded Products Addition to Haltom City, Tarrant County, Texas.

Parcel X0702, known as 5100 Glenview Drive, Haltom City, owned by FLS Properties, LLC, containing approximately 10,000 square feet in the William Screech Survey, Abstract No. 1416, Tarrant County, Texas.

Parcel X0794, known as 6351 NE 820 Loop, owned by NRH Industrial Partners, Ltd., a Texas limited partnership, containing approximately 2,800 square feet in the Telitha Akers

Survey, Abstract No. 19, and being a portion of land described by Special Warranty Deed recorded in Instrument No. D201233004, Official Public Records of Tarrant County Texas.

Parcel X0928A, known as 6408 Smithfield Road, owned by AHS Family Real Estate, Ltd., a Texas limited partnership, containing approximately 70,000 square feet in Lot 11R, Block H, Smithfield Addition to the city of North Richland Hills, save and except that portion previously conveyed to the city of North Richland Hills.

Parcel X1001, known as 2100 Mustang Drive, Southlake, Texas, owned by Magellan Pipeline Terminals, L.P., a Delaware limited partnership, containing approximately 1,000 square feet in the Harrison Decker Survey, Abstract No. 438, being a portion of land described in Special Warranty deed recorded in Instrument No. D207148301, Official Public Records of Tarrant County.

Parcel X1002, known as 2000 State 26 Highway, Southlake, Texas, owned by Explorer Pipeline Company, containing approximately 4,700 square feet in the Payton R. Splane Survey, Abstract No. 1453, Tarrant County, Texas.

Parcel X1340, known as 800 South Dooley Street, Grapevine, Texas, owned by Stierli Real Estate Holding, LLC, a Texas limited liability company, containing approximately 1,200 square feet being Lot 1R1, Block 1, Payton-Wright II Addition, an Addition to the city of Grapevine, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 7811, of the Plat Records of Tarrant County, Texas.