

URBAN RENEWAL AGENCY
Freeport Tx 77541

MINUTES
July 14, 2011

Meeting called to order at 6:00 p.m., Municipal Courtroom, 430 Brazosport Blvd, Freeport Tx 77541, with a quorum present.

John Shults appointed Secretary for the meeting.

After general discussion, upon a motion by John Shults, 2nd by Guadalupe Gonzalez, it was
VOTED:

Wallace Shaw and Julian Taylor, III, and either of them be authorized and directed to purchase or, failing to purchase, to cause to be filed and prosecuted in proceedings of eminent domain under Chapter 21 of the Property Code against all owners and lienholders of the fee simple title (exclusive of the title to the oil, gas and other minerals, if any, in and under and that may be produced therefrom, but including all interest in the adjoining streets, easements, and rights of way, if any) of Block 515, lots 1, 2, 3, 4, 5 & 6; Block 517, lot 1; Block 549, lots 2, 3, 5, 6, 7 & 8; Block 576 lots 1 & 2; Block 617, lot 16; Block 644, lot 5; Block 654, lot 10, and Block 685, lot 22.

Motion prevailed. Yea - 4, No - 0.

The Chairman reported recent legislation, effective September 1, 2011, changed the procedure for the acquisition of property by condemnation and/or eminent domain. A list of the steps that will be required on September 1, 2011, was provided to each of the Board members for informational purposes only.

Upon motion by Annette Sanford, 2nd by John Shults, it was

VOTED:

The meeting adjourn

Motion prevailed: Yea - 4 No - 0

Adjourned 6:16 p.m.


N C. Hickey
Chairman & Director

Attest:

John Shults
Secretary

By John Shults
7-15-11

RESOLUTION NO. 2011-09

A RESOLUTION OF THE FREEPORT URBAN RENEWAL AGENCY OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; AUTHORIZING WALLACE SHAW AND JULIAN W. TAYLOR, III, THE CITY ATTORNEY AND ASSISTANT CITY ATTORNEY OF SAID CITY, RESPECTIVELY, AND EITHER OF THEM, TO PURCHASE OR, FAILING PURCHASE, TO CAUSE TO BE FILED AND PROSECUTED PROCEEDINGS IN EMINENT DOMAIN UNDER CHAPTER 21 OF THE PROPERTY CODE AGAINST ALL OWNERS AND LIENHOLDERS OF THE FEE SIMPLE TITLE (EXCLUSIVE OF THE TITLE TO THE OIL, GAS AND OTHER MINERALS, IF ANY, IN AND UNDER AND THAT MAY BE PRODUCED THEREFROM BUT INCLUDING ALL INTEREST IN THE ADJOINING STREETS, EASEMENTS AND RIGHTS-OF-WAY, (IF ANY) OF **BLOCKS 515, LOTS 1, 2, 3, 4, 5, & 6, BLOCK 517, LOT 1, BLOCK 549, LOTS 2, 3, 5, 6, 7, & 8, BLOCK 576, LOTS 1 & 2, BLOCK 617, LOT 16, BLOCK 644, LOT 5, BLOCK 654, LOT 10, BLOCK 685 LOT 22**, ALL IN THE VELASCO TOWNSITE OF THE CITY OF FREEPORT, IN BRAZORIA COUNTY, TEXAS; AND PROVIDING THAT THIS RESOLUTION, AFTER EXECUTION AND ATTESTATION, SHALL BE MAINTAINED IN THE PERMANENT RECORDS OF THE SAID FREEPORT URBAN RENEWAL AGENCY OF SAID CITY.

WHEREAS, the City of Freeport, Texas, is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively, and

WHEREAS, Section 2.03 of the home Rule Charter of the City of Freeport, Texas, authorizes the city to exercise the powers of eminent domain when necessary or desirable to carry out any of the powers conferred upon the city by such charter or by the Constitution and laws of the State of Texas; and

WHEREAS, item (5) of Sub-section 251.001 of the Local Government Code of Texas authorizes the governing body of a municipality, when such body considers it advisable, to exercise the right of eminent domain to acquire private property for public purposes, and Sub-section 251.002 of said Code provides that an exercise of such power is governed by Chapter 21 of the Property Code of Texas; and

WHEREAS, heretofore the City Council of the City of Freeport, Texas, adopted an urban renewal plan and took the necessary steps under the Urban Renewal Law, adopted by Acts 1957, 55th Legislature, p. 704, ch. 298 and then appearing as Article 12691-3, Revised Civil Statutes, 1925; and

WHEREAS, said plan includes as an urban renewal project the acquisition of fee simple title to, among others, the hereinafter described lots and parcels of land which are open land within the corporate limits of the City of Freeport, Texas, that because of location or situation, it is necessary for sound community growth and that it is to be developed by replatting and planning for predominantly residential uses; and

WHEREAS, the Urban Renewal Law is now codified as Chapter 374 of said Code, and Section 374.016(d) thereof authorizes a municipality to acquire by eminent domain an interest in real property, including a fee simple interest, that the municipality considers necessary for or in connection with an urban renewal project; and

WHEREAS, Board of Commissioners of the Freeport Urban Renewal Agency of the City of Freeport, Texas, has determined and does hereby now declare that the acquisition of the fee simple title to such lots and parcels of land (exclusive of the title to the oil, gas and other minerals, if any, in and under and that may be produced therefrom, but including all interest in and to the adjoining streets, easements, rights-of-way, if any), is necessary for or in connection with the aforementioned urban renewal project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE FREEPORT URBAN RENEWAL AGENCY OF THE CITY OF FREEPORT, TEXAS:

FIRST, the Board of Commissioners of the Freeport Urban Renewal Agency of the City of Freeport, Texas, hereby finds and declares that the recitations contained in the preamble of this resolution are true and correct.

SECOND, in order to acquire the fee simple title thereto (exclusive of the title to the oil, gas and other minerals if any, in and under and that may be produced therefrom but including all interest in the adjoining streets, easements and rights-of-way, if any) WALLACE SHAW and JULIAN TAYLOR, III, the City Attorney and Assistant City Attorney of the City of Freeport, Texas, respectively, and either of them, be and they are hereby severally authorized and directed to purchase or, failing to purchase, to cause to be filed and prosecuted in proceedings in eminent domain under said Chapter 21 of the Property Code against all owners and lienholders of the fee simple title (exclusive of the title to the oil, gas and other minerals, if any, in and under and that may be produced therefrom, but including all interest in and to the adjoining streets, easements, rights-of-way, if any), the following described real property lying and situated within the incorporated limits of the City of Freeport, in the County of Brazoria, and the State of Texas, to-wit:


**Blocks 515, lots 1, 2, 3, 4, 5, 6; Block 517, lot 1; Block 549, lots 2, 3, 5, 6, 7, & 8;
Block 576, lots 1, 2; Block 617, lot 16; Block 644, lot 5; Block 654, lot 10; Block 685,
lot 22.**

THIRD, that the City Council of the City of Freeport, Texas, be and is hereby requested to adopt a resolution authorizing said attorneys, or either of them, to purchase, or failing to purchase, to cause to be filed and prosecuted proceedings in eminent domain under said Chapter 21 of the Property Code against all owners and lienholders of fee simple title (exclusive of the title to the oil, gas and other minerals, if any, in, under and that may be produced therefrom, but including all interest in the adjoining streets, easements and rights-of-way, if any) of the above described real property.

FOURTH, the original of this resolution, after execution and attestation, shall be retained by the Freeport Renewal Agency of said City, in the permanent records thereof.

PASSED AND ADOPTED this 14 day of July, 2011.

ATTEST:


Secretary


Chairman & Director