

**RESOLUTION NO. 2024-028**

**A RESOLUTION DETERMINING THAT A SANITARY SEWER EASEMENT CONTAINING APPROXIMATELY 0.7397 ACRES OF LAND IS NEEDED TO BE ACQUIRED FROM JMK5 TEXAS CITY, LLC FOR THE LAYING, CONSTRUCTION, INSTALLATION, MAINTENANCE, REPAIR, RELOCATION, REPLACEMENT, REMOVAL, MODIFICATION, AND OPERATION OF SANITARY SEWER FORCE MAIN LINES AND ALL RELATED CONNECTIONS AND APPURTENANCES AS A PART OF THE CONSTRUCTION OF A TWENTY-FOUR INCH (24") SANITARY SEWER FORCE MAIN LINE FOR THE CITY OF TEXAS CITY, TEXAS; AND AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, the City Commission of the City of Texas City, Texas, now finds and determines that public convenience and necessity require the City of Texas City to acquire a sanitary sewer easement over and across tracts of land containing approximately 0.7397 acres for laying, construction, installation, maintenance, repair, relocation, replacement, removal, modification and operation of sanitary sewer force main lines and all related connections and appurtenances in the City of Texas City, Texas, a more specific description of said 0.7397 acre sanitary sewer easement is attached hereto as Exhibit "A" made a part hereof (herein after the "Land"); and

**WHEREAS**, the City of Texas City, through its duly authorized representatives, has negotiated with the owners of the Land for the purchase of same for the purpose stated herein and has been unable to agree with such owners as to the fair cash market value thereof and damages, if any; and

**WHEREAS**, the City Commission of the City of Texas City has authorized the Mayor or his designee to make an offer to the owners of the Land for the purchase of same based upon its



appraised value, and such offer has been made and the owner has refused to accept such final offer;  
now therefore,

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

**SECTION 1:** The facts and recitals set forth in the preamble of this resolution are hereby found to be true and correct.

**SECTION 2:** The City Commission of the City of Texas City finds that a bona fide offer has been made by duly authorized representatives of the City for the acquisition of a sanitary sewer easement across the herein described Land, and that said offer was not accepted, and that the only way for the City of Texas City to acquire such interest in said tract of land is through the filing of eminent domain proceedings.

**SECTION 3:** The City Commission hereby finds and determines that a public use and necessity exists for the City of Texas City for laying, construction, installation, maintenance, repair, relocation, replacement, removal, modification and operation of sanitary sewer force main lines and all related connections and appurtenances as part of the twenty-four inch (24”) sanitary sewer force main line project, and to acquire the necessary property rights in the 0.7397 acre sanitary sewer easement deemed necessary for the twenty-four inch (24”) sanitary sewer force main line project, as allowed by law, together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land.

**SECTION 4:** The final offer heretofore made to the owner for the purchase of the Land is in all things hereby ratified and confirmed.

**SECTION 5:** The City Attorney, or his designee, is hereby authorized to bring eminent domain proceedings on behalf of the City of Texas City under applicable provisions of law, whether provided by §251.001 of the Texas Local Government Code, as amended, Chapter 21 of the Texas



Property Code, or by any other provision of law, against the owner or owners of the Land, to-wit:  
JMK5 Texas City, LLC, or against the real and true owner, owners, claimant, or claimants if JMK5  
Texas City, LLC is said not to be the owners of the Land.

**PASSED AND ADOPTED this 21st day of February 2024.**

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Dedrick D. Johnson, Sr. Mayor  
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

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Rhomari D. Leigh  
City Secretary

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Kyle L. Dickson  
City Attorney



Sanitary Sewer Easement  
0.7397 Acre

EXHIBIT A

William K Wilson Survey  
Abstract No. 208

STATE OF TEXAS                   §

COUNTY OF GALVESTON       §

A **METES & BOUNDS** description of a certain 0.7397 acre tract of land situated in the William K Wilson Survey, Abstract No. 208 in Galveston County, Texas, being out of Mall of the Mainland Lot 14, Reserve "I" recorded under Document No. 9346322 of the Galveston County Map Records and being out of a called 9.683 acres of land conveyed to JMK5 Texas City, LLC recorded under Clerk's File No. 2019038336 of the Galveston County Official Public Records of Real Property (GCOPRRP); said 0.7397 acre tract being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83;

**COMMENCING** at a found 1-inch iron pipe at the northeast corner of said Lot 14, common with the southeast corner of a called 337.5 acre tract of land conveyed to Texas City Economic Development Corporation recorded under Clerk's File No. 2008059944 of the GCOPRRP and being in the westerly right-of-way line of Century Boulevard (right-of-way varies);

**THENCE**, South 01 degrees 59 minutes 33 seconds East, along the easterly line of said Lot 14, common with the westerly right-of-way line of said Century Boulevard, a distance of 822.65 feet to the **POINT OF BEGINNING** of the herein described tract;

**THENCE**, South 01 degrees 59 minutes 33 seconds East, continuing along said common line, a distance of 30.00 feet to a point for corner;

**THENCE**, leaving said common line, over and across said Lot 14, the following two (2) courses and distances:

1. South 87 degrees 15 minutes 36 seconds West, a distance of 47.86 feet to a point for corner;
2. South 01 degrees 45 minutes 10 seconds East, a distance of 123.63 feet to a point for corner in the southerly line of said Lot 14, common with a northerly line of Lot 2 of said Mall of the Mainland plat;

**THENCE**, South 88 degrees 00 minutes 27 seconds West, along said common line, a distance of 10.77 feet to a point for corner and being the beginning of a curve to the right;

**THENCE**, continuing along said common line and with the arc of said curve to the right having a radius of 265.00 feet, a central angle of 00 degrees 54 minutes 50 seconds, an arc length of 4.23 feet, and a long chord bearing South 88 degrees 27 minutes 51 seconds West, a distance of 4.23 feet to a point for corner;

**THENCE**, leaving said common line, over and across said Lot 14, the following sixteen (16) courses and distances:

1. North 01 degrees 45 minutes 10 seconds West, a distance of 123.40 feet to a point for corner;
2. South 87 degrees 15 minutes 36 seconds West, a distance of 27.14 feet to a point for corner;
3. North 01 degrees 59 minutes 33 seconds West, a distance of 87.13 feet to a point for corner;



Sanitary Sewer Easement  
0.7397 Acre

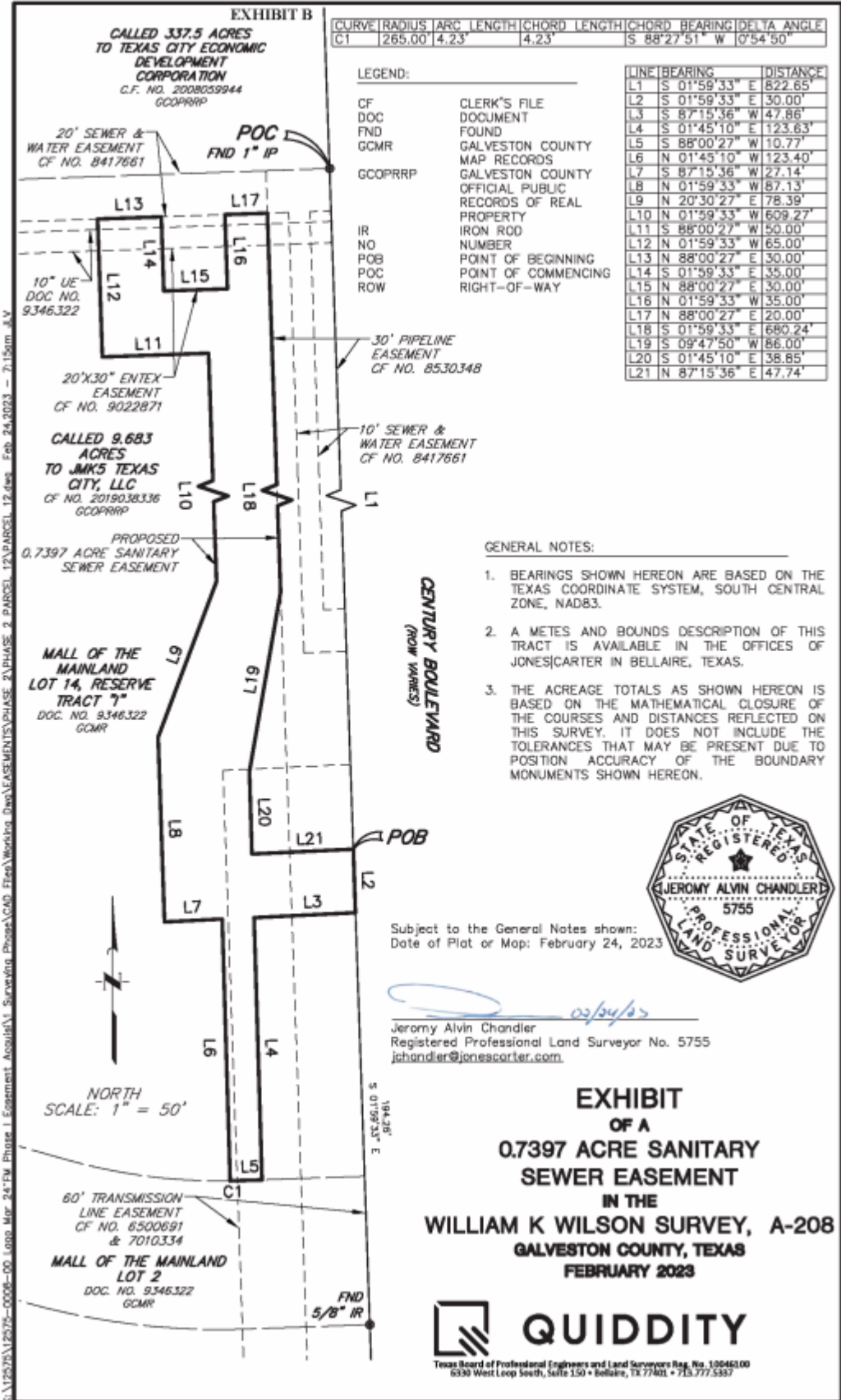
William K Wilson Survey  
Abstract No. 208

4. North 20 degrees 30 minutes 27 seconds East, a distance of 78.39 feet to a point for corner;
5. North 01 degrees 59 minutes 33 seconds West, a distance of 609.27 feet to a point for corner;
6. South 88 degrees 00 minutes 27 seconds West, a distance of 50.00 feet to a point for corner;
7. North 01 degrees 59 minutes 33 seconds West, a distance of 65.00 feet to a point for corner;
8. North 88 degrees 00 minutes 27 seconds East, a distance of 30.00 feet to a point for corner;
9. South 01 degrees 59 minutes 33 seconds East, a distance of 35.00 feet to a point for corner;
10. North 88 degrees 00 minutes 27 seconds East, a distance of 30.00 feet to a point for corner;
11. North 01 degrees 59 minutes 33 seconds West, a distance of 35.00 feet to a point for corner;
12. North 88 degrees 00 minutes 27 seconds East, a distance of 20.00 feet to a point for corner;
13. South 01 degrees 59 minutes 33 seconds East, a distance of 680.24 feet to a point for corner;
14. South 09 degrees 47 minutes 50 seconds West, a distance of 86.00 feet to a point for corner;
15. South 01 degrees 45 minutes 10 seconds East, a distance of 38.85 feet to a point for corner;
16. North 87 degrees 15 minutes 36 seconds East, a distance of 47.74 feet to the **POINT OF BEGINNING, CONTAINING** 0.7397 acres of land in Galveston County, Texas, as shown on drawing number 18428 in the Offices of Quiddity in Bellaire, Texas.

Quiddity  
6330 West Loop South, Suite 150  
Bellaire, Texas 77401  
(713) 777-5337  
*Texas Board of Professional Land Surveying*  
*Registration No. 10046100*

  
Acting By/Through Jeromy Alvin Chandler  
Registered Professional Land Surveyor  
No. 5755  
JChandler@jonescarter.com





**EXHIBIT B**  
**CALLED 337.5 ACRES**  
**TO TEXAS CITY ECONOMIC**  
**DEVELOPMENT**  
**CORPORATION**  
 C.F. NO. 2008039944  
 GCOPRRP

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	265.00'	4.23'	4.23'	S 88°27'51" W	0°54'50"

**LEGEND:**

CF CLERK'S FILE  
 DOC DOCUMENT  
 FND FOUND  
 GCMR GALVESTON COUNTY MAP RECORDS  
 GCOPRRP GALVESTON COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY  
 IR IRON ROD  
 NO NUMBER  
 POB POINT OF BEGINNING  
 POC POINT OF COMMENCING  
 ROW RIGHT-OF-WAY

LINE	BEARING	DISTANCE
L1	S 01°59'33" E	822.65'
L2	S 01°59'33" E	30.00'
L3	S 87°15'36" W	47.86'
L4	S 01°45'10" E	123.63'
L5	S 88°00'27" W	10.77'
L6	N 01°45'10" W	123.40'
L7	S 87°15'36" W	27.14'
L8	N 01°59'33" W	87.13'
L9	N 20°30'27" E	78.39'
L10	N 01°59'33" W	609.27'
L11	S 88°00'27" W	50.00'
L12	N 01°59'33" W	65.00'
L13	N 88°00'27" E	30.00'
L14	S 01°59'33" E	35.00'
L15	N 88°00'27" E	30.00'
L16	N 01°59'33" W	35.00'
L17	N 88°00'27" E	20.00'
L18	S 01°59'33" E	680.24'
L19	S 09°47'50" W	86.00'
L20	S 01°45'10" E	38.85'
L21	N 87°15'36" E	47.74'

- GENERAL NOTES:**
1. BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83.
  2. A METES AND BOUNDS DESCRIPTION OF THIS TRACT IS AVAILABLE IN THE OFFICES OF JONES|CARTER IN BELLAIRE, TEXAS.
  3. THE ACREAGE TOTALS AS SHOWN HEREON IS BASED ON THE MATHEMATICAL CLOSURE OF THE COURSES AND DISTANCES REFLECTED ON THIS SURVEY. IT DOES NOT INCLUDE THE TOLERANCES THAT MAY BE PRESENT DUE TO POSITION ACCURACY OF THE BOUNDARY MONUMENTS SHOWN HEREON.



Subject to the General Notes shown:  
 Date of Plat or Map: February 24, 2023

*02/24/23*  
 Jeremy Alvin Chandler  
 Registered Professional Land Surveyor No. 5755  
 jchandler@jonescarter.com

**EXHIBIT**  
**OF A**  
**0.7397 ACRE SANITARY**  
**SEWER EASEMENT**  
**IN THE**  
**WILLIAM K WILSON SURVEY, A-208**  
**GALVESTON COUNTY, TEXAS**  
**FEBRUARY 2023**



K:\12575\12575-0008-00\_Loop\_Mar\_24\_17\_Pm\_Phase\_1\_Easement\_Accult\1\_Surveying\_Phase\CA0\_Erap\Working\_Dwg\EASEMENTS\PHASE 2\PARCEL 12.dwg Feb 24 2023 7:15am JLV