

**CITY OF SEABROOK
RESOLUTION 2019-15**

**AUTHORIZATION FOR ACQUISITION OF PROPERTY FOR FURTHER
DEVELOPMENT OF OLD SEABROOK**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, AUTHORIZING PROCEEDING FOR THE ACQUISITION OF CERTAIN REAL PROPERTY FOR FURTHER DEVELOPMENT OF “OLD SEABROOK”; CONSISTING OF LAND LOCATED AT 1110 HALL AVENUE LOTS THREE (3) , BLOCK TWENTY-THREE (23), SEABROOK, HARRIS COUNTY, TEXAS (THE “PROPERTY”); DETERMINING THE PUBLIC NECESSITY AND JUST COMPENSATION FOR THE PROPERTY FOR SUCH PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE “CONTRACT FOR SALE OF REAL PROPERTY”, (“CONTRACT”) ATTACHED HERETO AS EXHIBIT “A”; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE PROPERTY, INCLUDING IDENTIFYING FUNDS FOR PAYMENT AND PUCHASE, INCLUDING ALL ASSOCIATED DUE DILIGENCE AND CLOSING COSTS IN ACCORDANCE WITH THE CONTRACT AND IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS AND CHARTER; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Seabrook has considered the need for the acquisition of certain property within the City of Seabrook to further enhance development of “Old Seabrook”, a zoning district designed to enhance the special characteristics of Seabrook, its small town character, waterfront, and to create a unique place; and

WHEREAS, in accordance with such referenced goals for “Old Seabrook”, the City has targeted a site to improve the quality of commercial development, including general municipally owned improvements, parking facilities for infrastructure/parking and related city needs (the “Project”), and has identified a tract of land for such purposes located at 1110 Hall Avenue, Lots Three (3) and Block Twenty-Three (23), Seabrook, Harris County, Texas together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts, or parcels of land as provided above, (the “Property”), and has determined that a public necessity exists for proceeding to acquire the necessary improvements and certain property rights for the Project; and

WHEREAS, the Seabrook Economic Development Corporation on April 13, 2017 published a Notice of Project relating to proposed expenditure of its funds for the redevelopment of “Old Seabrook” to promote or develop new or expanded business enterprises and/or that create or retain primary jobs in or near the City of Seabrook, including but not limited to targeted infrastructure (streets, transportation, utilities, drainage, site and related improvements); acquisition of land, buildings, equipment, and facilities; demolition of aging or substandard buildings to improve the quality of commercial zones; general municipally owned improvements, parking facilities; or any other expenditures consistent with the purposes and duties as a Type B corporation, in an amount not to exceed \$750,000.00; and

WHEREAS, the City Council of the City of Seabrook has considered the need for the acquisition of certain property within the City of Seabrook for further development of “Old Seabrook”, consistent with the referenced goals of the Project, identified the Property, and has determined that a public necessity exists for proceeding to acquire same as provided herein; and

WHEREAS, the City Council of the City of Seabrook finds and determines it is necessary that the acquisition of the subject Property, should be done expeditiously by authorizing the City Manager of the City of Seabrook, Texas to expend funds to obtain a legal survey, obtain a title commitment, related appraisal and such other due diligence determined necessary to purchase and acquire fee title property rights for the Project; and

WHEREAS, the City Council by and through its City Manager has accordingly negotiated with Property owner, Robert L. Snow Jr. and Ellen Krause Snow, for agreement of the just compensation for the Property, to be purchased for \$189,000, as provided for in the “Contract for Sale of Real Property”, which is attached hereto as Exhibit “A” (the “Contract”); and

WHEREAS, the City Council of the City of Seabrook finds and determines that the sum of One Hundred Thousand Dollars (\$189,000) is just compensation and the fair market value for acquisition of the Property; and

WHEREAS, the City Council for the City of Seabrook finds and determines the said Property is necessary for improvements in or around the municipal Project and that unless the property rights in the Property are now obtained, it will be a substantial detriment and disadvantage to the City of Seabrook; and

WHEREAS, it is the specific intent of the City Council of the City of Seabrook to comply with all legal requirements for acquisition and funding of the subject Property for the Project, specifically including the Seabrook Charter; and

WHEREAS, the City Council of the City of Seabrook finds and determines that providing authorization to the City Manager to immediately expend funds for acquisition and associated due diligence and closing costs for the Property, is now appropriate; and that the Property should be acquired as provided for in the attached Contract in the form attached hereto and incorporated by reference:

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

Section 1. That the City Council of Seabrook hereby officially finds and determines that the meeting at which this Resolution is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. A public purpose and necessity exists for the City of Seabrook to acquire the Property for the Project for the City of Seabrook for the purposes expressed herein, for development of “Old Seabrook”, pursuant to the terms in the attached Contract, Exhibit “A”, incorporated by reference.

Section 3. The Mayor is hereby authorized to execute the Contract for the acquisition of the Property for the sum of \$189,000 and appropriate closing costs and the Mayor or City Manager is authorized to execute any documentation necessary to accept, acquire, document, facilitate, and record the conveyance of the subject Property as provided for in the Contract, together with the appropriate expenditure of funds for associated due diligence and closing costs. The City Manager is immediately authorized and directed to expend such additional funds for payment of the earnest money fee, legal survey, appraisal, and such other due diligence determined necessary for the Project.

Section 4. The City Council finds that proceeding to acquire the Property, identified in the attached Contract, as provided herein, is in compliance with the requisites of law, is not to confer, or is a pretext to confer, a private benefit on a particular party, and is not primarily for economic benefit, but that such Property is necessary for a needed municipal project.

PASSED AND APPROVED this 18th day of June, 2019.

Thomas G Kolupski
Mayor

ATTEST:

Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney