

RESOLUTION NO. R23-_____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, AUTHORIZING THE SETTLEMENT OF MIDWAY ROAD IMPROVEMENT PROJECT LITIGATION; AND AUTHORIZING THE CONVEYANCE OF CERTAIN PUBLIC REAL PROPERTY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SETTLEMENT AGREEMENT.

WHEREAS, the Town of Addison, Texas (“Town”) authorized the acquisition of property for the reconstruction of Midway Road, installation of utilities, enhancing the streetscape, and making public sidewalks more pedestrian friendly (the “Project”), all as set forth in Resolution No. R19-023; and

WHEREAS, to accomplish the above public purposes the Town instituted eminent domain proceedings in a case styled “*The Town of Addison, Texas v. Piedmont Midway Partners, L.P., Nates Seafood and Steakhouse, Inc., and Truist Bank f/k/a BB&T, f/k/a Branch Banking and Trust Company* (collectively, the “Condemnees”), in Cause No. CC-20-03614-B” (the “Litigation”); and

WHEREAS, Piedmont Midway Partners LP (“Piedmont”) asserted claims in the Litigation for damages in that action related to the loss of public parking on its property due to the acquisition of a portion of its property for the Project; and,

WHEREAS, the Town owns certain real property consisting of approximately 0.55 acres of land adjacent to Piedmont’s property, being described and depicted as Lot 18X-2 in Exhibit “A” attached hereto (the “Addison Property”); and

WHEREAS, the City Council finds that the Addison Property is surplus to the needs of the Town and can be used to replace the parking area lost as a result of the Project; and

WHEREAS, the Town has reached an agreement with Condemnees to settle all claims in the Litigation whereby the Town will pay the amount of the Special Commissioner’s Award from the Litigation and convey the Addison Property to Piedmont (the “Settlement Agreement”); and

WHEREAS, the Town is authorized by law to transfer the Addison Property pursuant to the terms of the Settlement Agreement without the necessity of advertising or accepting bids for the sale of said property; and

WHEREAS, the City Council finds it is in the best interest of the Town to approve the Settlement Agreement and authorize the City Manager to execute the same.

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

SECTION 1. The City Council hereby approves the Settlement Agreement, including payment of the Special Commissioners Award to Piedmont and conveyance of the Addison Property to Piedmont in conformance the agreement.

SECTION 2. The City Manager is hereby authorized to execute all documents necessary to effectuate the Settlement Agreement, including the conveyance of the Addison Property to Piedmont in conformance with the same.

SECTION 3. This Resolution shall take effect from and after its date of adoption.

DULY RESOLVED AND ADOPTED by the City Council of the Town of Addison, Texas, on this the **11th** day of **APRIL** 2023.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

Irma Parker, City Secretary

