

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE AWARD AMOUNT OF SPECIAL COMMISSIONERS IN A CONDEMNATION ACTION STYLED CAUSE NO. C-1-PB-24-000883 THE CITY OF PFLUGERVILLE, TEXAS v. ZITA D’ZALIA ALLEN AND KERMIT STONAVIN ALLEN, II, THE HEIRS-AT-LAW OF DEE MADISON, JR., DECEASED; MICHAEL DENARD MADISON AS PERSONAL REPRESENTATIVE OF THE ESTATE OF RUTH JEAN MADISON, DECEASED; STEPHEN A. MADISON AND DIANE KAY MOMODA-MADISON, TRUSTEES OF THE STEPHEN A. MADISON AND DIANE DAY MOMODA-MADISON TRUST FOR THE ACQUISITION OF A PERMANENT EASEMENT, AND TEMPORARY CONSTRUCTION EASEMENT, FOR A RAW WATER LINE PROJECT KNOWN AS “SECONDARY COLORADO RIVER RAW WATER LINE PROJECT AND AUTHORIZING RELEASE OF SAID AMOUNT AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER’S DESIGNEE TO EXECUTE ALL DOCUMENTS TO FACILITATE THE ACQUISITION OF SAID PARCEL OF LAND.

WHEREAS, the City of Pflugerville, Texas (the “City”) has found and determined that public necessity requires the City to acquire a permanent easement, and a temporary construction easement in Travis County from the landowners for a raw water line project known as “Secondary Colorado River Raw Water Line Project for the public purpose of operating the existing water line, and to construct and operate an additional raw water line; and

WHEREAS, the purpose of this new secondary raw water line is for the operation of an existing water line, and to construct and operate an additional raw water line in order to provide additional water to the City and/or its customers to accommodate the current and future residential and commercial population growth the area has experienced which is expected to continue well into the foreseeable future and that the City acquire such easements and the rights of ingress and egress over and across such tracts of land by eminent domain proceedings pursuant to its power of eminent domain as outlined in Section 251.001 and 552.011 of the Texas Local Government Code, as amended, and other pertinent statutory authority; and

WHEREAS, the City of Pflugerville City Council passed by recorded vote Resolution 2102-24-01-09-1171 on January 9, 2024, directing the City Manager or the City Manager’s Designee to execute all documents to institute eminent domain proceedings and directing the City Attorney to initiate condemnation proceedings; and

WHEREAS, Special Commissioners appointed by the court with jurisdiction over condemnations in Travis County, Texas conducted a hearing on March 12, 2025, and considered evidence and arguments as to the value of the property sought to be condemned and damages, if any, that will be sustained by the landowner, and awarded the landowners, Zita D’zalia Allen and Kermit Stonavin Allen, II, the Heirs-At-Law of Dee Madison, Jr., Deceased; Michael Denard Madison as Personal Representative of the Estate of Ruth Jean

Madison, Deceased; Stephen A. Madison and Diane Kay Momoda-Madison, Trustees of the Stephen A. Madison and Diane Day Momoda-Madison Trust for Parcel 35, the amount of **One Hundred and Ten Thousand Four Hundred Dollars and 00/100 (\$110,400.00)**. A copy of the Special Commissioner's Award is attached and incorporated into this Resolution; and

WHEREAS, the City of Pflugerville hereby adopts the amount awarded by the Special Commissioners for the acquisition of a permanent easement, and a temporary construction easement for the Secondary Colorado River Raw Water Line Project; and

WHEREAS, the City of Pflugerville City Council is authorizing the release of said funds into the registry of the Court or release of said amount by other lawful means as consideration for the City's acquisition of said easements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS; THAT:

SECTION 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council of the City of Pflugerville, Texas and made a part hereof for all purposes as findings of fact.

SECTION 2. The City of Pflugerville City Council adopts the Special Commissioners Award amount of **One Hundred and Ten Thousand Four Hundred Dollars and 00/100 (\$110,400.00)** and hereby release said amount into the registry of the court or release of said amount by other lawful means as consideration for the acquisition of the temporary construction easement, and permanent easement for the Secondary Colorado River Raw Water Line Project.

SECTION 3: The easements to be acquired are described by legal description and survey as part of the Special Commissioners Award that is attached to this Resolution.

SECTION 4: This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED on this _____ day of _____, 2025.

Victor Gonzales, Mayor
City of Pflugerville, Texas

ATTEST:

Trista Evans, City Secretary