

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ALL DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF 5,024 SF RIGHT-OF-WAY ACQUISITION, A 2,329 SF PUBLIC UTILITY EASEMENT AND A 36,206 SF DRAINAGE EASEMENT OUT OF THE 1.00 ACRES (43,560 SQUARE FOOT), PARCEL OF LAND SITUATED IN THE PHILIP GOLDEN SURVEY NO. 17 IN TRAVIS COUNTY, TEXAS; PROPERTY OWNED AND CLAIMED BY KM AVALON, LTD., ET AL. ; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS

WHEREAS, the City of Pflugerville is authorized by Section 251.001 of the Texas Local Government Code to institute eminent domain proceedings to acquire interests in real property for a public use; and

WHEREAS, the City Council finds that fee-simple right of way, public utility and drainage easements acquisitions are necessary for a public use pursuant to Section 251.001 of the Texas Local Government Code; and

WHEREAS, the City Council has determined and finds that the safety and welfare of the citizensof the City requires infrastructure improvements for the community generally described as the Kelly Lane Phase 2 Roadway Widening Project ("Project"); and

WHEREAS, the City Council has determined and finds that it is necessary to acquire fee-simple and easement interests in real property for the construction of the Project and associated infrastructure improvements and/or relocations; and

WHEREAS, the City Council finds that the City has made a good faith and bona fide offer in accordance with the standard procedures required by Texas Property Code, Chapter 21, SubchapterB and failed to reach an agreement with the landowner as to the easement language necessary to execute the purchase agreement and conveyance documents for the needed property; and; and

WHEREAS, the City Council find that it is necessary that the Kelly Lane Phase 2 Roadway Project continue forward and thereis no other option to acquire the needed property for right of way and permanent public utility easement and drainage easement purposes.

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

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

SECTION 2. City Council authorizes the City of Pflugerville City Manager or City Manager's designee, on behalf of the City, to sign and execute all necessary documents to institute eminent domain proceedings for the acquisition of a total of 5,024 sf right-of-way acquisition, a 2,329 sf public utility easement and a 36,206 sf drainage easement of the parcel of land situated in the Philip Golden Survey No. 17 in Travis County, Texas; property owned and claimed by KM Avalon, Ltd., et al.

With all parcels being described by metes and bounds in Exhibit A, which is attached hereto and incorporated herein for all purposes.

SECTION 3. City Council directs the City Attorney to communicate the City's final offer to the property owner(s) and initiate condemnation proceedings consistent with all applicable laws of the State of Texas. The City Attorney is also hereby authorized to continue to negotiate for the property interests identified above in conjunction with condemnation proceedings.

SECTION 4. This Resolution shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED this ____ day of _____ 2021.

Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary