

**RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING
THE POLICY AND PROCEDURES FOR ACQUISITION OF REAL
PROPERTY OR PROPERTY RIGHTS**

WHEREAS, on February 8, 2000, the City Council adopted policy and procedures for acquisition of real property or property rights; and

WHEREAS, it is desirable to acquire any needed real property by negotiating a fair price with the land owner rather than by the city's condemnation authority; and

WHEREAS, the adopted procedure does not allow for negotiations between the landowner and the city to occur before the condemnation schedule begins; NOW THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

The adopted policy and procedures for acquisition of real property or property rights is hereby amended as indicated in Exhibit A.

APPROVED this 27th of August, 2002

CITY OF PFLUGERVILLE, TEXAS

By: 
G. SCOTT WINTON, MAYOR

ATTEST:


KAREN THOMPSON, CITY SECRETARY

EXHIBIT A

CITY OF PFLUGERVILLE

Property Acquisition Procedures

1. City staff determines need and ability to implement or initiate a project that requires property acquisition.
2. Complete preliminary planning/engineering to determine general boundaries of project and contact affected landowners regarding the project.
- Day 1
~~3. Council Resolution declaring necessity for improvements and acquisition and that public welfare and convenience will be served by improvements and acquisitions, giving notice of official determination to acquire property (required if federal funds are used), establishing procedures to acquire property and conditionally authorizing condemnation. Must correctly describe property. Should confirm the City Manager's authority to determine the amount of the offer; find, if negotiations are fruitless, necessity of taking of condemnation; and, authorize the legal department to start proceedings.~~
- ~~34. Hire surveyor to prepare survey of property to be acquired including meteteets and bounds and sketch.~~
- ~~45. (Optional) Hire appraiser to evaluate value of property to be acquired using completed survey and other market information.~~
- Day 30
56. City staff reviews completed appraisal and determines appropriate offer to property owner, makes offer to owner. If owner does not accept the offer within a specified time period, the following steps occur:
- Day 371
~~6. Council Resolution declaring necessity for improvements and acquisition and that public welfare and convenience will be served by improvements and acquisitions, giving notice of official determination to acquire property (required if federal funds are used), establishing procedures to acquire property and authorizing condemnation. Must correctly describe property. Should confirm the City Manager's authority to determine the amount of the offer; find, if negotiations are fruitless, necessity of taking of condemnation; and, authorize the legal department to start proceedings.~~
7. City Manager sends offer letter, with appraisal (if available), to property owner with 30 day deadline to agree to sell property to city.
- ~~8. If no agreement with property owner, hire appraiser to perform services specified in Step 4 if not already performed.~~

- Day 7034 98. ~~If no agreement with property owner;~~ Statement in Condemnation filed with the Court.
- Day 7135 109. *Lis Pendens* filed with County Clerk immediately after statement is filed. File copy in court file. *Lis Pendens* puts potential purchasers on notice regarding condemnation action by City.
110. Order of Judge appointing special commissioners, signed and filed.
121. Oath signed by special commissioners, filed with Court.
- Day 7539-9054 132. Notice of hearing served on all interested parties, filed with Court.
- Day 7539-9054 143. Notice of hearing served on all interested parties and proper return made at least eleven days prior to hearing.
- Day 8650-10165 154. Hearing before commissioners is held.
- Day 8751-11074 165. Award of special commissioners, signed, and filed.
- Day 8852-11175 176. Statement of costs.
187. Deposit of award of special commissioners.
198. If no objection filed, obtain judgment in absence of objection, and Writ of Possession.
2019. If objection filed, obtain Writ of Possession Pending Hearing; handle as a new civil case.
201. File Judgment In Absence of Objection, or Final Judgment in Deed Records.
221. Take Possession of Property.

NOTE: **Steps 63 and 98 may have additional material if federal funds are involved.**

CITY OF PFLUGERVILLE

Property Acquisition Procedures

1. City staff determines need and ability to implement or initiate a project that requires property acquisition.
 2. Complete preliminary planning/engineering to determine general boundaries of project and contact affected landowners regarding the project.
 3. Hire surveyor to prepare survey of property to be acquired including metes and bounds and sketch.
 4. (Optional) Hire appraiser to evaluate value of property to be acquired using completed survey and other market information.
 5. City staff determines appropriate offer to property owner, makes offer to owner. If owner does not accept the offer within a specified time period, the following steps occur
- Day 1
6. Council Resolution declaring necessity for improvements and acquisition and that public welfare and convenience will be served by improvements and acquisitions, giving notice of official determination to acquire property (required if federal funds are used), establishing procedures to acquire property and authorizing condemnation. Must correctly describe property. Should: confirm the City Manager's authority to determine the amount of the offer; find, if negotiations are fruitless, necessity of taking of condemnation; and, authorize the legal department to start proceedings.
 7. City Manager sends offer letter, with appraisal (if available), to property owner with 30 day deadline to agree to sell property to city.
 8. If no agreement with property owner, hire appraiser to perform services specified in Step 4 if not already performed.
- Day 34
9. Statement in Condemnation filed with the Court.
- Day 35
10. *Lis Pendens* filed with County Clerk immediately after statement is filed. File copy in court file. *Lis Pendens* puts potential purchasers on notice regarding condemnation action by City.
 11. Order of Judge appointing special commissioners, signed and filed.
 12. Oath signed by special commissioners, filed with Court.

- | | | |
|-----------|-----|--|
| Day 39-54 | 13. | Notice of hearing served on all interested parties, filed with Court. |
| Day 39-54 | 14. | Notice of hearing served on all interested parties and proper return made at least eleven days prior to hearing. |
| Day 50-65 | 15. | Hearing before commissioners is held. |
| Day 51-74 | 16. | Award of special commissioners, signed, and filed. |
| Day 52-75 | 17. | Statement of costs. |
| | 18. | Deposit of award of special commissioners. |
| | 19. | If no objection filed, obtain judgment in absence of objection, and Writ of Possession. |
| | 20. | If objection filed, obtain Writ of Possession Pending Hearing; handle as a new civil case. |
| | 21. | File Judgment In Absence of Objection, or Final Judgment in Deed Records. |
| | 22. | Take Possession of Property. |

NOTE: Steps 6 and 9 may have additional material if federal funds are involved.