

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS FINDING THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE USE OF A PORTION OF THE CITY OF AUSTIN'S SOUTHERN WALNUT CREEK TRAIL OF THE WALNUT CREEK GREENBELT, FOR THE EXTENSION OF A WATER LINE AS PART OF THE SECONDARY COLORADO RIVER RAW WATER LINE PROJECT AND FINDING THAT ALL REASONABLE PLANNING HAS BEEN DONE TO MINIMIZE HARM TO SAID PARKLAND.**

**WHEREAS**, in the City of Austin has acquired multiple parcels of land, including a 346.995-acre tract of land, now known as the Walnut Creek Greenbelt which includes the Southern Walnut Creek Trail (the "Parkland"), said Parkland being conveyed of record and more fully described as shown on the attached Exhibit A, and as recorded in the Official Public Records of Travis County, Texas; and

**WHEREAS**, the City of Pflugerville, having been granted a dedication of use of said Parkland of a 8.357-tract of land for the purpose of operating an existing water line, as described in Exhibit B, and recorded in the Official Public Records of Travis County, Texas (the "Applicant Property"), needs to construct and operate an additional line within the existing easement, needs to acquire an additional parcel in order to locate the new line where impossible and needs to acquire temporary construction easements in order to install the new line (the "Project") and connect to the City's water system; and,

**WHEREAS**, City engineering staff has determined that the only feasible and prudent route to install the new line is within the existing easements and other smaller newly acquired adjacent easements and utilize temporary construction easements adjacent to the existing easements; and

**WHEREAS**, prior to the use of municipal parkland for a non-park project, Section 26.001 of the Texas Parks and Wildlife Code requires a governing body of a municipality to determine that i) there is no feasible and prudent alternative to the use of the parkland for the project and ii) the program or project includes all reasonable planning to minimize harm to the parkland; and

**WHEREAS**, in accordance with Section 26.002 of the Texas Parks and Wildlife Code, the City provided the City of Austin Parks and Recreation Department written notice of the proposed Project at least 30 days prior to the hearing date; and

**WHEREAS**, in accordance with Section 26.002 of the Texas Parks and Wildlife Code, the City also published notice of the hearing once a week for three consecutive weeks, with the last days of publication being not less than one week or more than two weeks before the date of the hearing, in a newspaper of general circulation published at least six days a week in Travis County, Texas; and

**WHEREAS**, on **August 22, 2023**, in accordance with Section 26.001 of the Texas Parks and Wildlife Code, the City Council held a public hearing and received testimony from City Staff and the public regarding the proposed use of the Parkland for the Project.

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

**SECTION 1.** The facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

**SECTION 2.** The City Council hereby finds and declares that written notice of the date, hour, place and subject at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and Chapter 26 of the Texas Parks and Wildlife Code.

**SECTION 3.** Upon consideration of the testimony at the public hearing, the City Council of the City of Pflugerville hereby finds and declares that there is no feasible or prudent alternative to using the Parkland for the Project, and that all reasonable planning has been done to minimize harm to the Property.

**SECTION 4.** The Mayor is hereby authorized to sign this Resolution and the City Secretary to attest. This Resolution shall be effective immediately upon adoption and execution by the Mayor.

**PASSED AND APPROVED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Victor Gonzales, Mayor

ATTEST:

\_\_\_\_\_  
Trista Evans, City Secretary