

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-24-000911, THE CITY OF PFLUGERVILLE, TEXAS v. CITY OF AUSTIN FOR THE ACQUISITION OF TEMPORARY CONSTRUCTION EASEMENTS, AND PERMANENT ACCESS EASEMENTS 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 certain temporary construction easements, and permanent access easements from the owner, the City of Austin, Texas located in parkland owned by the City of Austin 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, As required by the City of Austin for the sale of its parkland, the City fulfilled the requirements of §26.001 and §26.002 of the Texas Parks and Wildlife Code, in that: 1) there is no feasible and prudent alternative to the use of the parkland for the Project; (2) the Project includes all reasonable planning to minimize harm to the parkland; (3) the City provided the Austin Parks and Recreation Department with written notice of the Project at least 30 days prior to the hearing date; and (4) the City published the notice of hearing in a newspaper of general circulation which fulfilled requirements were memorialized in Resolution No. 2070 23-08-22-1131, executed on August 22, 2023; and

WHEREAS, Also, as required by the City of Austin for the sale of its parkland, the City of Pflugerville City Council passed by recorded vote Resolution 2101-24-01-09-1170 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 for City of Austin parkland identified as parcels 16, 17,18,19, and 20; and

WHEREAS, Special Commissioners appointed by the court with jurisdiction over condemnations in Travis County, Texas conducted a hearing 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 landowner, City of Austin for parcels 16-20, the amount of **Two Hundred and Eighty Three Thousand Eight Hundred and Fifty Dollars and 00/100 (\$283,850.00)**. A copy of the Award of Commissioners 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 temporary construction easements, and permanent access easements 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 Award of Commissioners Award amount of **Two Hundred and Eighty-Three Thousand Eight Hundred and Fifty Dollars and 00/100 (\$283,850.00)** and hereby release said amount into the registry of the court or release said amount by other lawful means as consideration for the acquisition of temporary construction easements, and permanent access easements 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 _____, 2024.

Victor Gonzales, Mayor
City of Pflugerville, Texas

ATTEST:

Trista Evans, City Secretary