

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AUTHORIZING ACCEPTANCE OF THE SPECIAL COMMISSIONERS' AWARD AND DIRECTING THE CITY MANAGER AND CITY ATTORNEY, OR THEIR RESPECTIVE DESIGNEES TO TAKE ALL NECESSARY ACTIONS TO COMPLETE EMINENT DOMAIN PROCEEDINGS, INCLUDING RATIFYING THE ISSUANCE OF A CHECK IN THE AMOUNT OF THE AWARD AND DEPOSITING THE SAME WITH THE TRAVIS COUNTY COURT CLERK FOR THE ACQUISITION OF 0.4431 OF ONE ACRE OF LAND IN FEE-SIMPLE FOR RIGHT OF WAY PURPOSES AND 0.0634 OF ONE ACRE OF LAND FOR A PERMANENT DRAINAGE EASEMENT OUT OF THE EDWARD FLINT SURVEY NO. 11, ABSTRACT NO. 277, TRAVIS COUNTY, TEXAS AND BEING OUT OF THAT TRACT OF LAND DESCRIBED AS 2.026 ACRES IN DEED TO KELLYWEISS LLC, OF RECORD DOCUMENT NO. 2017072497, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING PROPERTY OWNED AND CLAIMED BY KELLYWEISS LLC; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council previously found that fee-simple right of way and drainage easement acquisitions were necessary for a public use pursuant to Section 251.001 of the Texas Local Government Code and, further, that it was necessary to initiate eminent domain proceedings as authorized under Texas Local Government Code, Section 251.001, and in accordance with Texas Property Code, Chapter 21 to secure such property interests (the "Property Interests"), as provided more specifically in Resolution 1592-17-10-10-0456 passed and approved on October 10, 2017 for the Weiss Lane Roadway Widening Project; and

WHEREAS, pursuant to Resolution 1592-17-10-10-0456, an Original Petition for Condemnation was filed in Travis County Probate Court No. 1 (the "Court") on November 14, 2017 as Cause No. C-1-CV-17-011054 seeking the appointment of three disinterested property owners to act as Special Commissioners under the Texas Property Code, Chapter 21, as necessary to assess the value of the Property Interests and associated damages and to determine reasonable compensation for the same; and

WHEREAS, on January 8, 2018 the Court appointed a final Special Commissioner and a Special Commissioners hearing was set and held on February 26, 2018, wherein both parties were represented by legal counsel to advance their respective positions regarding the amount of reasonable compensation due to the landowners; and

WHEREAS, following deliberation, the Special Commissioners executed an Award of Special Commissioners in the amount of To Be Determined (\$TBD), which was filed with the Court on February 26, 2018; and

WHEREAS, it is necessary for the City Council to accept such award, pending subsequent litigation challenging the same, if any, and authorize the deposit of funds into the registry of the Court prior to securing rights of possession to the property.

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 directs and authorizes the City Manager and City Attorney or their respective designees to take all necessary actions to accept the Award of the Special Commissioners, including ratifying the issuance of a check in the amount of the award and deposit of the awarded funds into the registry of the Travis County Court, responding to and defending subsequent litigation, if any, securing possession of the property interests, settling outstanding matters regarding relocation expenses and the completion of the eminent domain proceedings.

SECTION 3. This Resolution shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____ 2018.

Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

CHARLIE ZECH, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, PC