

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF A 0.910 ACRE TRACT SITUATED IN THE PETER CONRAD SURVEY NO.71, ABSTRACT NO.200, TRAVIS COUNTY, TEXAS AND BEING A PORTION OF TWO TRACTS, A CALLED 1.99 ACRE TRACT DESCRIBED AS TRACT 1 AND A CALLED 9.26 ACRE TRACT DESCRIBED AS TRACT 2, BOTH PARCEL 5, EXHIBIT A-2 IN A SPECIAL WARRANTY DEED TO THE RADY FAMILY TRUST, AND RECORDED IN VOLUME 12328, PAGE 182 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, REAL PROPERTY OWNED AND CLAIMED BY RADY FAMILY TRUST TOGETHER WITH REALTRON INC.; 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 real property for a public use; and

WHEREAS, the City Council finds that the roadway construction widening and utility improvements is a public purpose 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 citizens of the City require the roadway construction widening and utility improvements to Heatherwilde Boulevard for the community; and

WHEREAS, the City Council has determined and finds that it is necessary to acquire real property for a drainage easement for the roadway construction widening and utility improvements; and

WHEREAS, the City Council finds that the City has failed to reach an agreement with the land owner as to the purchase price of the needed property; and

WHEREAS, the City Council finds that it is necessary that the roadway widening and utility improvement construction projects continue forward and there is no other option to acquire the needed property for the drainage easement related to the widening of Heatherwilde Boulevard;

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

Section 1. Authorizes the City of Pflugerville City Manager or the City Manager's designee to sign and execute all necessary documents to institute eminent domain proceedings for the acquisition of a 0.91 Acre tract situated in the Peter Conrad survey No. 71, abstract No. 200, Travis County, Texas and being a portion of two tracts, a called 1.99 Acre tract described as tract 1 and a called 9.26 Acre tract described as tract 2, both parcel 5, Exhibit A02 in a Special Warranty Deed to the Rady Family Trust, and recorded in Volume 12328, Page 182 of the real property records of Travis County, Texas, real property owned and claimed by Rady Family Trust together with Realtron Inc., for the public purpose of a drainage easement necessary for the Heatherwilde Boulevard roadway widening capital improvement project.

Section 2. The City Attorney is hereby directed to initiate condemnation proceedings consistent with all applicable laws of the State of Texas. Additionally, the City Attorney is hereby directed and authorized to enter into mediations without the necessity of filing suit.

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

Record vote taken on ordinance on first reading on June 23, 2015:

<u>Council Member</u>	<u>In Favor / Opposed</u>
Mayor Jeff Coleman	(Non-voting member/Absent)
Council Member Wayne Cooper (Mayor Pro Tem)	(Non-voting member as Presiding Officer on June 23, 2015)
Council Member Brad Marshall	Voted In Favor
Council Member Omar Peña	Voted In Favor
Council Member Starlet Sattler	Voted In Favor
Council Member Victor Gonzales	(Absent)

Record vote taken on ordinance on second and final reading on July 14, 2015:

<u>Council Member</u>	<u>In Favor/Opposed</u>
Mayor Jeff Coleman	(Non-voting member)
Council Member Wayne Cooper	_____

Council Member Brad Marshall _____

Council Member Omar Peña _____

Council Member Starlet Sattler _____

Council Member Victor Gonzales _____

PASSED AND APPROVED this 14th day of July 2015.

Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary