

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, DECLARING THE PUBLIC PURPOSE AND NECESSITY TO ACQUIRE AN APPROXIMATE 0.0011-ACRE EXCLUSIVE PERMANENT UTILITY EASEMENT AND AN APPROXIMATE 0.2337-ACRE TEMPORARY CONSTRUCTION EASEMENTS; EACH OF WHICH ARE LOCATED IN THE WILLIAM CALDWELL SURVEY NO. 66, ABSTRACT 162, AND BEING A PORTION OF LOT 3F-1 OF THE REPLAT OF REPLAT OF LOT 3F-RENEWABLE ENERGY PARK, A SUBDIVISION PLAT RECORDED AS 202300203 IN THE PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING THE SAME PROPERTY DESCRIBED IN THE SPECIAL WARRANTY WITH VENDOR'S LIEN TO 15508 IMPACT WAY, LLC, RECORDED AS 2023139059 IN THE PUBLIC RECORDS OF TRAVIS COUNTY, WITH AN ADDRESS OF 15508 IMPACT WAY; IN THE CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS; THE ACQUISITIONS BEING REQUIRED TO SUPPORT THE CITY'S CONSTRUCTION OF THE EXPANSION OF ITS 1849 RECLAIMED WATERLINE PROJECT; AND AUTHORIZING THE CITY ATTORNEY TO PROCEED WITH ACTIVITIES NECESSARY TO ACQUIRE SAID PROPERTIES, INCLUDING INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE THE NECESSARY LAND RIGHTS THROUGH THE USE OF THE CITY'S EMINENT DOMAIN AUTHORITY

WHEREAS, the City Council for the City of Pflugerville, Texas (the "City") has undertaken implementing the 1849 Reclaimed Waterline Project to expand the City's reclaimed water system as a means of diversifying the City's water supply and reducing peak potable water demands; and

WHEREAS, the City has found and determined that in furtherance of the Project, it is necessary for the City to acquire a +/- 0.0011-acre Exclusive Permanent Utility Easement and a +/- 0.2337-acre Temporary Construction Easement (individually or collectively, the "Property") from the landowner(s) and said property rights being more specifically described and depicted in **Exhibit A** which is incorporated herein for all purposes; and

WHEREAS, the Property shall be used for the construction of a new reclaimed waterline and it is necessary for the City to acquire the Property by purchase or condemnation proceedings pursuant to the City's power of eminent domain as outlined in Section 251.001 and 552.011 of the Texas Local Government Code, and

Chapter 21 of the Texas Property Code as amended, and other pertinent statutory authority; and

WHEREAS, under Chapter 2206 of the Texas Government Code, a governmental entity exercising the power of eminent domain must first authorize the initiation of the condemnation proceeding at a public meeting by a record vote adopting a resolution, ordinance, or order; and

WHEREAS, City Council finds that the City has, through agents and representatives, entered bona fide good faith negotiations with the landowner(s) or their agent(s) or representative(s) of the hereinafter described property and has failed to agree with the landowner(s) and/or his/her agent(s) or representative(s) the purchase price and damages, if any, due to said landowner(s);

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

SECTION 1. The above captions and recitals are found to be true and correct and are adopted by City Council and incorporated herein for all purposes.

SECTION 2. Public necessity requires that the City acquire rights in the Property in connection therewith, over, across, upon and under certain real property, in Travis County, Texas, to wit:

<u>Parcel Number</u>	<u>Landowner(s)</u>	<u>County</u>	<u>Survey</u>	<u>Abstract</u>	<u>Acres Owned</u>	<u>Property Subject to Condemnation</u>	<u>Exhibit</u>
3	15508 Impact Way, LLC, a New Jersey Limited Liability Company	Travis	William Caldwell Survey	162	Being a portion of that certain called 3F-1 of the replat.	+/- 0.0011 acre Utility Easement +/-0.2337 acre Temporary Construction Easement	A

As more fully described in **Exhibit A** as attached, from said landowner(s) or another person(s) who are determined to be the owners of the Property, for use of the transportation of reclaimed water including placement, construction, installation, replacement, repair, maintenance, relocation, removal, and operation of public pipelines and related appurtenances, or making connections thereto and for providing

access for the operation, repair, maintenance, and replacement and expansion of those facilities to accommodate the current and future residential and commercial population growth the City has experienced which is expected to continue well into the foreseeable future and which requires the City to acquire utility and temporary construction easements either through purchase or by the process of eminent domain and that the City take all other lawful action necessary and incidental to such purchases or eminent domain proceedings.

SECTION 3. The determination of necessity to exercise the power of eminent domain by City Council in this matter is made according to reason and judgment with due regard and consideration of the relevant facts, circumstances, and alternatives, and the knowledge which existed at this time.

SECTION 4. It is hereby determined that the City and the owner(s) of the Property have been unable to agree and cannot agree upon the value of Property interests or the damages to be paid, if any, and further settlement negotiations have become futile, thus requiring the City to exercise its power of eminent domain.

SECTION 5. City Council authorizes and directs the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, to institute and prosecute to conclusion all necessary proceedings to condemn the property. The City Attorney is hereby authorized to retain the services of any law firm selected by the City Attorney as special counsel, as may be needed from time to time, and retain any other professionals as the City Attorney deems necessary, including, but not limited to, appraisers, surveyors and title companies. The City Attorney is authorized to pay for the services rendered from the appropriations set aside herein or such other appropriations as may be made for the purpose.

SECTION 6. All acts and proceedings done or initiated by the employees, agents, and attorneys of the City of Pflugerville, Texas for the acquisition of such property is hereby authorized, ratified, approved, confirmed, and validated and declared to be valid in all respects as of the respective dates thereof with and in regard to the grantor from whom such rights have been or are being acquired.

SECTION 7. If any error is identified in the property descriptions contained in this Resolution, or if subsequent surveys provide more accurate or revised descriptions, the City Attorney is authorized to correct such errors or approve such revisions without the need for further City Council action, provided that such corrections or revisions do not materially alter the property interests authorized to be acquired.

SECTION 8. If any provisions, sections, subsections, sentences, clauses or phrases of this Resolution, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Resolution shall not be affected thereby, it being the intent of the City Council of the City of Pflugerville, Texas in adopting this Resolution that no portion thereof, or provisions or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Resolution are declared to be severable for that purpose.

SECTION 9. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters ordained herein.

SECTION 10. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code, and that the vote authorizing the adoption of this Resolution and the use of eminent domain power as specified herein was taken in a public meeting by record vote.

SECTION 11. This Resolution shall become effective immediately upon its passage.

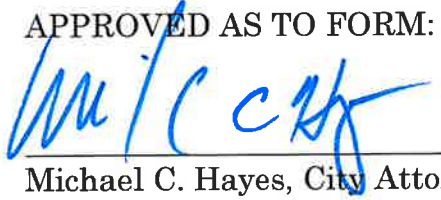
MOTION FOR APPROVAL TO STATE AS FOLLOWS: *Move approval of Resolution No. _____ to include that the City authorize the use of the power of eminent domain to acquire the specified Property for the purpose of constructing a new reclaimed water line located along Impact Way west of SH 130 and south of East Pecan Street.*

City Secretary to take record vote as follows:

	YES	NO
Doug Weiss, Mayor	_____	_____
Jonathan Coffman, Council Member	_____	_____
Cesar Ruiz, Council Member	_____	_____
Kimberly Holliday, Council Member (Pro Tem)	_____	_____
Rudy Metayer, Council Member	_____	_____
Melody Ryan, Council Member	_____	_____
David Rogers, Council Member	_____	_____

PASSED AND APPROVED ON this the ____ day of _____, 2026.

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Doug Weiss, Mayor

ATTEST:

Trista Evans, City Secretary