

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 0.8442 ACRES OF LAND IN FEE-SIMPLE FOR RIGHT OF WAY PURPOSES AND 0.1688 ACRES OF LAND FOR A PERMANENT PUBLIC UTILITY EASEMENT, CONSISTING OF FOUR PARCELS, OUT OF THE GEORGE M. MARTIN SURVEY NO. 9, ABSTRACT NO. 529, TRAVIS COUNTY, TEXAS AND BEING OUT OF THOSE TRACTS OF LAND DESCRIBED IN DOCUMENTS NOS. 2008040026 AND 2008040028 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; PROPERTY OWNED AND CLAIMED BY JACK AND JACKIE PAYNE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council previously found that fee-simple right of way and public utility 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 1554-17-04-11-0398 passed and approved on April 11, 2017 for the Weiss Lane Roadway Widening Project; and

WHEREAS, pursuant to Resolution 1554-17-04-11-0398, an Original Petition for Condemnation was filed in Travis County Probate Court No. 1 (the "Court") on May 9, 2017 as Cause No. C-1-CV-17-004513 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 July 12, 2017 the Court appointed a final Special Commissioner and a Special Commissioners hearing was set and held on August 22, 2017, 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 Two-Hundred Ninety-Five Thousand Dollars and No Cents (\$295,000.00), which was filed with the Court on August 22, 2017; 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 _____ 2017.

Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

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