

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ALL DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF A 3.084 ACRE TRACT; LOT 1 OF THE WILKE SUBDIVISION, PFLUGERVILLE, TEXAS, TRAVIS; DOCUMENT NO. 200500119 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; REAL PROPERTY OWNED AND CLAIMED BY NELSON H. PUETT; 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 utility infrastructure improvements as part of the Heatherwilde Elevated Storage Tank 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 requires the utility infrastructure improvements for the community; and

WHEREAS, the City Council has determined and finds that it is necessary to acquire real property for a fee simple right of way ("ROW") for the utility infrastructure 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 find that it is necessary that the utility infrastructure improvement project continue forward and there is no other option to acquire the needed property for ROW and utility infrastructure improvements for the Heatherwilde Elevated Storage Tank.

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

Section 1. Authorizes the City of Pflugerville City Manager to sign and execute all necessary documents to institute eminent domain proceedings for the acquisition of a total of 3.084 acre tract of land; as described below:

- Lot 1 of the Wilke Ridge Subdivision, Document No. 200500119, of the real property records of Travis County, Texas; and

for the public purpose of utility infrastructure improvements to the Heatherwilde Elevated Storage Tank, Capital Improvement Project.

Section 2. The City Attorney is hereby directed to communicate the City's final offer to the property owner(s) and initiate condemnation proceedings consistent with all applicable laws of the State of Texas. The City Attorney is also hereby authorized to negotiate for a fee simple ROW in conjunction with condemnation proceedings.

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

<u>Council Member</u>	<u>In Favor</u>	<u>Opposed</u>
Mayor Jeff Coleman	_____	_____
Council Member Wayne Cooper	_____	_____
Council Member Brad Marshall	_____	_____
Council Member Omar Peña	_____	_____
Council Member Starlet Sattler	_____	_____
Council Member Mike Heath	_____	_____

PASSED AND APPROVED this _____ day of _____ 2016.

Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary