

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 1.737 ACRES FOR A PERMANENT WASTEWATER EASEMENT, CONSISTING OF TWO PARCELS, OUT OF THE WILLIAM CALDWELL SURVEY, ABSTRACT 162, TRACT 3 AND 4, TRAVIS COUNTY, TEXAS; AND, 1.075 ACRES FOR A TEMPORARY WORKSPACE EASEMENT CONSISTING OF TWO TRACTS, OUT OF THE WILLIAM CALDWELL SURVEY, ABSTRACT 162, TRACTS 3 AND 4, PFLUGERVILLE, TEXAS, TRAVIS COUNTY OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, REAL DOCUMENT NUMBER 2009205387; PROPERTY OWNED AND CLAIMED BY MELANIE ELAINE SAMUELSON, RUSSELL HENRY KUEMPEL, MARILYN L. SMITH, JULIA HEBBE, NANCY TEMPLE ROBERTSON, ROBERT KUEMPEL AKA ROBERT H. KUEMPEL, RUSSELL H. KUEMPEL, THE ESTATE OF EDMUND KUEMPEL DECEASED, DAVID K. JOHNSON, MARY K. JOHNSON HACKERMAN, DIANE R. JOHNSON; 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 an interest in real property for a public use; and

WHEREAS, the City Council finds that permanent wastewater and temporary workspace easement acquisitions are a public use 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 wastewater utility infrastructure improvements for the community; and

WHEREAS, the City Council has determined and finds that it is necessary to acquire interest in real property for permanent and temporary workspace easements for the wastewater utility infrastructure improvements; and

WHEREAS, the City Council finds that the City has made a good faith offer and failed to reach an agreement with the landowner as to the purchase price of the needed property; and

WHEREAS, the City Council find that it is necessary that the wastewater infrastructure improvement project continue forward and there is no other option to acquire the needed property for permanent and temporary workspace easements.

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 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 1.737 acres of land for use as a permanent wastewater easement, consisting of two parcels; as described below:

- 1.263 acres (55,016 SF) out of the William Caldwell Survey, Abstract 162, being out of a called 48.170 acre tract described as Tract 3, Travis County, Texas; and
- 0.474 acre (20,647 SF) out of the William Caldwell Survey, Abstract 162, being out of a called 48.170 acre tract described as Tract 4, Travis County, Texas.

SECTION 3. City Council 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 1.075 acres of land for use as a temporary workspace easement, consisting of two parcels; as described below:

- 0.777 acre (33,846 SF) out of the William Caldwell Survey, Abstract 162, being out of a called 48.170 acre tract described as Tract 3, Travis County, Texas; and
- 0.298 acre (12,981 SF) out of the William Caldwell Survey, Abstract 162, being out of a called 48.170 acre tract described as Tract 4, Travis County, Texas.

SECTION 4. City Council directs the City Attorney 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 permanent wastewater and temporary workspace easement acquisitions in conjunction with condemnation proceedings.

SECTION 5. 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

APPROVED AS TO FORM:

GEORGE E. HYDE, City Attorney
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH, PC