

RESOLUTION NO. _____

A RESOLUTION 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 0.4431 OF ONE ACRE OF LAND IN FEE-SIMPLE FOR RIGHT OF WAY PURPOSES AND 0.0634 OF ONE ACRE OF LAND FOR A PERMANENT DRAINAGE EASEMENT OUT OF THE EDWARD FLINT SURVEY NO. 11, ABSTRACT NO. 277, TRAVIS COUNTY, TEXAS AND BEING OUT OF THAT TRACT OF LAND DESCRIBED AS 2.026 ACRES IN DEED TO KELLYWEISS LLC, OF RECORD DOCUMENT NO. 2017072497, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING PROPERTY OWNED AND CLAIMED BY KELLYWEISS LLC; 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 interests in real property for a public use; and

WHEREAS, the City Council finds that fee-simple right of way and public utility easement acquisitions are necessary for 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 infrastructure improvements for the community generally described as the Weiss Lane Roadway Widening Project (“Project”); and

WHEREAS, the City Council has determined and finds that it is necessary to acquire fee-simple and easement interests in real property for the construction of the Project and associated infrastructure and drainage improvements and/or relocations; and

WHEREAS, the City Council finds that the City has made or will make a good faith and bona fide offer in accordance with the standard procedures required by Texas Property Code, Chapter 21, Subchapter B and failed or will fail 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 Project continue forward and there is no other option to acquire the needed property for right of way and permanent public drainage easement purposes.

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, upon satisfaction of the prerequisite requirements of Texas Property Code Chapter 21, for the acquisition of a total of 0.4431 of one acre of land in fee-simple for right of way purposes, consisting of one parcel as more specifically described in subsections (a) below; and 0.0634 of one acre of land for use as a permanent public drainage easement, consisting of one parcel as more specifically described in subsection (b) below, as follows:

- (a) 0.4431 of one acre (19,299 Square Feet (SF)) out of the Edward Flint Survey No. 11, Abstract 277, Travis County, Texas and being out of that tract of land described as 2.026 acres in deed to KellyWeiss LLC, of record Document No. 2017072497, Official Public Records, Travis County, Texas, with said 0.4431 of one acre being more specifically described in **Exhibit A**; and
- (b) 0.0634 of one acre (2,763 Square Feet (SF)) out of the Edward Flint Survey No. 11, Abstract 277, Travis County, Texas and being out of that tract of land described as 2.026 acres (Exhibit A) in deed to KellyWeiss LLC, of record Document No. 2017072497, Official Public Records, Travis County, Texas, with said 0.0634 of one acre being more specifically described in **Exhibit B**;

With all parcels being described by metes and bounds in Exhibit A and Exhibit B, which are attached hereto and incorporated herein for all purposes.

SECTION 4. City Council directs the City Attorney to initiate condemnation proceedings consistent with all applicable laws of the State of Texas. The City Attorney is also hereby authorized to continue to negotiate for the property interests identified above in conjunction with condemnation proceedings.

SECTION 5. This Resolution 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 Victor Gonzales	_____	_____
Council Member Doug Weiss	_____	_____
Council Member Jeff Marsh	_____	_____
Council Member Omar Peña	_____	_____
Council Member Starlet Sattler	_____	_____
Council Member Mike Heath	_____	_____

PASSED AND APPROVED this _____ day of _____ 2017.

Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

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

Exhibit A

Exhibit B