

**ORDINANCE NO. 1243-16-01-26**

**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 THREE TRACTS OF LAND TOTALING 15,021 SQUARE FEET; BEING A 6,676 SQUARE FOOT TRACT; A 3,338 SQUARE FOOT TRACT; AND A 5,007 SQUARE FOOT TRACT; ALL THREE TRACTS OF LAND SITUATED IN THE JOSEPH WEIHL SURVEY NO. 8, ABSTRACT 802, TRAVIS COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN 2.0 ACRE TRACT DESCRIBED AS TRACT 2 IN A SPECIAL WARRANTY DEED CONVEYED TO IRBY MAX FORD, OF RECORD IN VOLUME 11526, PAGE 796, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; REAL PROPERTY OWNED AND CLAIMED BY IRBY MAX FORD; 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 roadway and utility infrastructure improvements to Weiss Lane 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 roadway and utility infrastructure improvements to Weiss Lane 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"), a public utility easement ("PUE") and a water line easement ("WLE") for the roadway and utility infrastructure improvements to Weiss Lane; 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 roadway improvements and utility infrastructure improvement project continue forward and there is no other option to acquire the needed property for ROW, a PUE and a WLE for the roadway and utility infrastructure improvements to Weiss Lane.

**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 15,021 square feet of land; as described below:

- a) being a 6,676 square foot tract of land situated in the Joseph Weihl Survey No. 8, abstract 802, Travis County, Texas being a portion of that certain 2.0 acre tract described as tract 2 in a special warranty deed conveyed to Irby Max Ford, of record in volume 11526, page 796, of the real property records of Travis County, Texas; and
- b) a 3,338 square foot tract of land situated in the Joseph Weihl Survey No. 8, abstract 802, Travis County, Texas being a portion of that certain 2.0 acre tract described as tract 2 in a special warranty deed conveyed to Irby Max Ford, of record in volume 11526, page 796, of the real property records of Travis County, Texas; and
- c) a 5,007 square foot tract of land situated in the Joseph Weihl Survey No. 8, abstract 802, Travis County, Texas, being a portion of that certain 2.0 acre tract described as tract 2 in a special warranty deed conveyed to Irby Max Ford, of record in volume 11526, page 796, of the real property records of Travis County, Texas, real property owned and claimed by Irby Max Ford

for the public purpose of roadway and utility infrastructure improvements to Weiss Lane, 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, a PUE and a WLE in conjunction with condemnation proceedings.

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


The vote on first reading on January 12, 2016 was as follows:

<u>Council Member</u>	<u>In Favor</u>	<u>Opposed</u>
Mayor Jeff Coleman	(Non-voting)	
Council Member Wayne Cooper	<u>X</u>	
Council Member Brad Marshall	<u>X</u>	
Council Member Omar Peña	<u>X</u>	
Council Member Starlet Sattler	<u>X</u>	
Council Member Mike Heath	<u>X</u>	

The vote on second and final reading on January 26, 2016 was as follows:

<b><u>Council Member</u></b>	<b><u>In Favor</u></b>	<b><u>Opposed</u></b>
Mayor Jeff Coleman	(Non-voting)	
Council Member Wayne Cooper	<u>X</u>	
Council Member Brad Marshall	<u>X</u>	
Council Member Omar Peña	<u>X</u>	
Council Member Starlet Sattler	<u>X</u>	
Council Member Mike Heath	<u>X</u>	

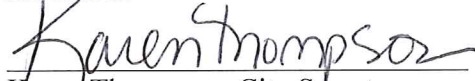
**PASSED AND APPROVED** this 26th day of January 2016.



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Jeff Coleman, Mayor

ATTEST:



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Karen Thompson, City Secretary

APPROVED AS TO FORM:



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George E. Hyde, City Attorney

DENTON, NAVARRO, ROCHA, BERNAL, HYDE & ZECH P.C.