




It's real.

MEMORANDUM

To: City of Seguin Mayor and Council

From: Andy Quittner, Interim City Attorney 

Date: May 31, 2023

Re: Resolution authorizing the purchase of utility easements needed for the Springs Hill Certificate of Convenience and Necessity Transfer Project

At part of the transfer of a portion of the Springs Hill Certificate of Convenience and Necessity (the "CCN") the city needs to construct a number of water lines to supply the two separate CCN areas that will serve future customers as well as existing Springs Hill customers. The projects are grouped into three sections all of which need to be completed by the first quarter of 2026.

In order to construct the various waterlines, the City will need to obtain easements across some 70 parcels of land, some of which are owned by the City. In order to do so, particularly on such a short timeframe, staff will recommend, by separate resolution, hiring HDR engineering to assist with easement acquisition. The Resolution before Council is the initial authorization to begin the acquisition of necessary easements. This Resolution declares that public purpose of the Project and allows city staff, attorneys, and consultants to begin the acquisition process. The Resolution also authorizes the City to use eminent domain in the rare cases where negotiation fails. In those cases, however, staff will present separate resolutions seeking further permission to use eminent domain proceedings.

Before the city can obtain easements, staff and its consultants need to access the properties for the purpose of surveying (water line design) and appraisal. In the cases where landowners will not respond, or for other reasons will not grant permission for a right of entry, the city's attorneys will need to seek injunctive relief from the Court. This Resolution grants permission for such action.

The final part of this Resolution authorizes the city manager to spend an amount not to exceed \$10,000,000.00 for obtaining the easement and to sign all documents necessary to do so. Having blanket authorization will assist city staff in meeting the rather aggressive time frame for completion of this project.