

CITY OF SEGUIN

RESOLUTION NO. _____

STATE OF TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS, IN CONNECTION WITH THE CORDOVA ROAD WIDENING PROJECT; AUTHORIZING ALL APPROPRIATE ACTION BY THE CITY MANAGER, STAFF, ATTORNEYS, AND CONSULTANTS, IN THE NEGOTIATION, PURCHASE, AND POSSIBLE INSTITUTION AND PROSECUTION OF PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE RIGHT OF WAY AND UTILITY EASEMENTS FROM LANDS HELD BY VARIOUS OWNERS OF LAND ALL WITHIN THE CITY OF SEGUIN OR ITS EXTRATERRITORIAL JURISDICTION, GUADALUPE COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE AGREEMENTS FOR NINETY-EIGHT IDENTIFIED PROJECT PROPERTIES IN AN AMOUNT NOT TO EXCEED \$3,100,000; DECLARING EACH SECTION OF THE RESOLUTION TO BE SEVERABLE ONE FROM THE OTHER IN THE EVENT ANY SECTION IS DETERMINED TO BE INVALID; AND DECLARING AN EFFECTIVE DATE

RECITALS:

WHEREAS, based upon the recommendation of its staff, and after public hearing this Council finds that public use and necessity require acquisition of the hereinafter described land rights needed for the Cordova Road Widening Project (the Project”); and

WHEREAS, City Staff and its consultants will negotiate with each landowner in good faith based on appraisals obtained from an independent fee appraiser for each purpose, in an attempt to purchase easements for the fair cash market value of the involved property. Should negotiations fail, City Staff will begin the proceedings necessary to take the Property by eminent domain, which will require City Council approval for each parcel proposed for condemnation. City staff shall also work with the landowners to obtain a right of entry for initial survey and appraisal; however, in the event that an owner fails to allow such entry, city staff will seek injunctive relief from the court.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Seguin Texas:

SECTION 1. Public use and necessity require the City to acquire right-of-way and utility easements on the various tracts of land lying along the project, all within Seguin or its extraterritorial jurisdiction, Guadalupe County, Texas, as more fully described in Exhibit “A” attached hereto and incorporated herein by reference for the purpose of right of way and permanent utility easement acquisition. It is a public necessity that the City acquire said property through purchase (or by the process of eminent domain should City Council authorize that on a parcel-by-parcel basis).

SECTION 2. The owners and claimants of the property described herein are set out in the attached Exhibit “B” and any other persons owning or claiming an interest shall be noticed as required by Texas Law.

SECTION 3. The City Council directs and authorizes the City Manager, staff, agents, and retained attorneys to institute and prosecute to conclusion all necessary proceedings to purchase right of way and permanent utility easements to the property and to take any other legal action necessary

and incidental to such acquisition, to survey, both lineal and archaeological, and to appraise, define, specify, and secure such property interests.

SECTION 4. Due to the need to complete this Project in a short time frame, the City Council hereby authorizes the city manager to execute Purchase Agreements and other necessary documents including the expenditure of funds in an amount not to exceed \$3,100,000.

SECTION 5. All acts or proceedings done or initiated by the employees, agents, and attorneys for the City for the acquisition of said property are hereby authorized, ratified, confirmed, and validated and declared to be valid in all respects as of the respective dates thereof with and in regard to the owner from whom such rights have been or are being acquired.

SECTION 6. If any provisions, sections, subsections, sentences, clauses, or phrase of this resolution, or the application of same to any set of circumstances or person is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this resolution shall not be affected thereby, it being the intent of the City Council that no portion hereof shall become inoperative by reason of any unconstitutionality or invalidity of any other portions hereof, and all provisions of this resolution are declared to be severable for that purpose.

SECTION 7. This resolution shall be in full force and effect immediately upon its passage.

PASSED AND APPROVED this the 7th day of May 2024.

DONNA DODGEN, Mayor

ATTEST:

Kristin Mueller, City Secretary