

STATE OF TEXAS

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SEGUIN, TEXAS DECLARING A NECESSITY FOR THE ACQUISITION OF A 0.0708-ACRE RIGHT-OF-WAY AND A 0.0603-ACRE PERMANENT UTILITY EASEMENT OUT OF THAT CALLED 7.034 ACRE TRACT OF LAND (TRACT 1) DESCRIBED IN A DEED EXECUTED ON OCTOBER 8, 2021 TO GEORGE FRANS DU PREEZ AND CATHARINA MARGARETHA BRAND, A MARRIED COUPLE, RECORDED IN DOCUMENT 202199035495 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS, SITUATED IN THE ANTONIO MARIA ESNAURIZAR SURVEY, ABSTRACT 20, OF GUADALUPE COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AND SHOWN IN EXHIBIT "A," ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES, FOR THE PURPOSE OF THE RECONSTRUCTION, WIDENING, OPERATION, MAINTENANCE, REPAIR, AND UPGRADE OF A FOUR LANE ROADWAY WITH RAISED MEDIAN, CENTER TURN LANE, CULVERTS AT WATERWAYS, ROADSIDE DITCHES, AND DEDICATED CONCRETE MULTIUSE TRAILS FOR BICYCLE AND PEDESTRIAN USE AND RELATED APPURTENANCES ALONG CORDOVA ROAD, AND AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE SAID PROPERTY INTERESTS TO THE EXTENT NEGOTIATIONS ARE UNSUCCESSFUL.

WHEREAS, the City, by and through the Capital Projects and Engineering Department has determined that acquisition of a 0.0708-acre right-of-way and 0.0603-acre Permanent Utility Easement out of that called 7.034 acre tract of land (Tract 1) described in a deed executed on October 8, 2021 to George Frans Du Preez and Catharina Margaretha Brand, a married couple, recorded in Document 202199035495 of the Official Public Records of Guadalupe County, Texas, situated in the Antonio Maria Esnaurizar Survey, Abstract 20, of Guadalupe County, Texas. Said right-of-way and permanent easement being more particularly described by metes and bounds and shown in Exhibit "A," which is attached hereto and incorporated for all purposes. The right-of-way and easement described and depicted in said exhibit are referred to herein as the "Property."

WHEREAS, acquisition of the Property is necessary to advance and achieve the public purpose of reconstruction, widening, operation, maintenance, repair, and upgrade of a four lane roadway with raised median, center turn lane, and culverts at waterways, roadside ditches, and dedicated concrete multiuse trails for bicycle and pedestrian use along Cordova Road for the Cordova Road Project (the "Project");

WHEREAS, the City, through the powers granted in the Constitution of the State of Texas, Section 51.071 of the Texas Local Government Code and Section 2.01 of the City Charter of the City of Seguin, Texas, may acquire the Property through the exercise of its eminent domain authority; and

WHEREAS, the City is unable to acquire said Property by negotiation and/or further negotiations have become futile, and therefore, the City is compelled to exercise its power of eminent domain.

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THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS, THAT:

SECTION 1. The above caption and recitals are found to be true and correct legislative and factual findings of the City Council of the City of Seguin, Texas, and they are hereby approved and incorporated herein for all purposes.

SECTION 2. It is authorized for the City, to utilize the power of eminent domain to acquire real property interests located in Guadalupe County, Texas, which are necessary to advance and achieve the public use of the Project.

SECTION 3. All acts and proceedings done or initiated by the employees, agents, and attorneys of the City for the acquisition of the Property are hereby authorized, ratified, approved, confirmed, and validated and declared to be valid in all respects as of the respective dates of such acts and proceedings, with and in regard to the grantors from whom such rights are being purchased or acquired. Such acts include, but are not limited to, establishing the amount of just compensation to be paid for the acquisition of the rights described herein based upon an independent appraisal, to negotiate for the acquisition of said property rights, to give notices, to make written offers to purchase, to enter into contracts, to retain appraisers, other experts or consultants deemed necessary for the acquisition process and, if necessary, to ask the City Attorney, or their designee, to institute and prosecute condemnation proceedings to conclusion for acquisition of the Property, and to take all other lawful action necessary and incidental to such condemnation proceedings.

SECTION 4. The determination of necessity to exercise the power of eminent domain in this matter is made according to reason and judgment with due regard and consideration of the relevant facts, circumstances, and alternatives, the knowledge of which exist at this time. Therefore, the City acting by and through its contractual eminent domain attorneys, is hereby directed and authorized to institute and prosecute to conclusion all necessary condemnation proceedings for acquisition of the Property as described herein and to acquire such interests in land as the City is unable to acquire through negotiation, and to take any other legal action necessary or incidental to such acquisition or condemnation proceedings to investigate, survey, specify, define, and secure the necessary property rights.

SECTION 5. Severability: If any provision, section, subsection, sentence, clause, or phrase of this resolution declaring the necessity for acquisition of a 0.0708-acre right-of-way tract of land and 0.0603-acre Permanent Utility Easement in the Antonio Maria Esnaurizar Survey, Abstract 20, of Guadalupe County, Texas, ("Resolution"), or the application of the same to any person or set of circumstances 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 of the City in adopting this Resolution that no portion hereof, or provisions, or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Resolution are declared to be severable for that purpose.

CITY OF SEGUIN

RESOLUTION NO. _____

STATE OF TEXAS

PASSED AND APPROVED on the 6th day of January, 2026.

DONNA DODGEN
MAYOR

ATTEST:

Kristin Mueller, City Secretary