

STATE OF TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AUTHORIZING THE NEGOTIATION AND PURCHASE INCLUDING THE USE OF EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS IN CONNECTION WITH AN EIGHTEEN INCH SANITARY SEWER EXTENSION TO BE CONSTRUCTED FROM RUDELOFF ROAD NORTHWARD TO CORDOVA ROAD CONTINUING ALONG CORDOVA ROAD TERMINATING AT HIGHWAY 46; RATIFYING ALL ACTIONS TAKEN TO DATE TOWARDS SUCH ACQUISITION OF LAND; DECLARING EACH SECTION OF THIS RESOLUTION TO BE SEVERABLE ONE FROM THE OTHER IN EVENT THAT ANY SECTION IS DETERMINED TO BE INVALID; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, a public necessity exists for the acquisition of certain sanitary sewer easements and temporary construction easements, in connection with a sanitary sewer extension yet to be constructed, over, across, upon, and under certain privately owned real properties in Guadalupe County from an existing manhole on Rudeloff Road and located as depicted on **Exhibits 1 and 2** attached hereto and incorporated herein by reference; and

WHEREAS, said acquisition being either by purchase or by proceedings in eminent domain, is necessary and for the public purpose of the construction, operation, and maintenance of a sanitary sewer system to be constructed for public use by the City of Seguin and its utility customers, the Project being called the Rudeloff Road to Highway 46 Eighteen Inch Sanitary Sewer Extension Project; and

WHEREAS, the City Council of Seguin, Texas, finds it necessary to authorize all appropriate action by the City Manager, staff, and retained attorneys, and engineering and technical consultants, in the institution and prosecution of condemnation proceedings to acquire any such needed easements and temporary construction easements and related rights of ingress and egress that cannot be acquired through negotiation; ratifying and affirming all acts and proceedings heretofore done or initiated by employees, agents, and attorneys to acquire such property interests; authorizing all other lawful action including the making of lineal and archeological surveys and appraisals necessary and incidental to such acquisitions whether by purchase or eminent domain proceedings; declaring the sections of the Resolution to be severable one from the other in the event any section of this Resolution is determined to be invalid; and

WHEREAS, pursuant to its powers of eminent domain as outlined in Section 251.001 and 402.011 of the Texas Local Government Code and other pertinent statutory authority the City Council of Seguin, Texas, has determined that the acquisition of certain sanitary sewer easements and temporary construction easements in connection therewith, over, across, upon and under certain properties in Guadalupe County from a point along Rudeloff Road northward to Cordova

Road and along Cordova Road to a point at Highway 46, located as depicted on the attached Exhibits 1 and 2 attached hereto and incorporated herein by this reference, either by purchase or by proceedings in eminent domain, is necessary and for the public purpose of the construction, operation, and maintenance of a sanitary sewer system to be constructed for the public for the City of Seguin and its sanitary sewer utility customers; and

WHEREAS, in connection with the acquisition of such easement rights to certain properties, it may be necessary for employees, agents, representatives, contractors, or subcontractors of the City of Seguin to enter upon such properties to conduct both archeological and lineal surveys so that such easement rights may be defined and secured in a lawful manner whether such easement rights be acquired by purchase or through eminent domain proceedings; and

WHEREAS, employees, agents, contractors, subcontractors and attorneys acting for the City of Seguin are in the process of surveying, defining and negotiating for the acquisition of such easement rights on behalf of the City of Seguin.

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

SECTION 1. Public necessity requires that the City of Seguin acquire certain sanitary sewer easements and temporary construction easements in connection therewith, over, across, upon and under certain privately owned real properties in Guadalupe County, from an existing manhole on Rudeloff Road travelling northward to Cordova Road and along Cordova Road to Highway 46, located as depicted on Exhibits 1 and 2 attached hereto and incorporated herein by this reference for the public purpose of construction, operation, and maintenance of a sanitary sewer system to be constructed for public utility use for the City of Seguin and its customers of the wastewater utility, the project being called the Rudeloff Road to Highway 46 Eighteen Inch Sanitary Sewer Extension Project. Public necessity also requires that the City of Seguin acquire the rights of ingress and egress over and across such lands and adjacent lands either through purchase or the process of eminent domain and that the City of Seguin take all other lawful action necessary and incidental to such purchases or eminent domain proceedings including conducting lineal and archaeological surveys and appraisals as required to specify, define, and secure such easements according to existing law.

SECTION 2. The City Council hereby directs and authorizes the City Manager, staff, agents, and retained attorneys to institute and prosecute to conclusion all necessary proceedings to condemn the property interests described above herein and to acquire all such interests that the City of Seguin is unable to acquire through negotiation by reason of its inability to agree with the owner thereof as to the damages to the landowner, and to take any other legal action necessary and incidental to such purchases or eminent domain proceedings to survey, both lineal and archaeological, and to appraise, define, specify, and secure such property interests.

SECTION 3. All acts and proceedings done or initiated by the employees, agents, and attorneys of the City of Seguin for the acquisition of such property are hereby authorized, ratified, approved, confirmed, and validated and declared to be valid in all respects as of the respective dates thereof with and in regard to the grantors from whom such rights have been or are being acquired.

SECTION 4. If any provisions, sections, subsections, sentences, clauses or phrase of this Resolution, or the application of 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 of Seguin, Texas in adopting this Resolution that no portion thereof, or provisions or regulation 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.

SECTION 5. This Resolution shall be effective from and after the date of passage.

ADOPTED on the 20th day of March 2018.

DON KEIL
MAYOR

ATTEST:

Naomi Manski
City Secretary