

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 RIGHTS OF WAY AND PERMANENT EASEMENTS IN FORTY TRACTS OF LAND BORDERING HIGHWAY 123 FROM HARBORTH ROAD TO IH-10 IN CONNECTION WITH THE CONSTRUCTION AND RECONSTRUCTION OF A SANITARY SEWER LINE SERVING THE NORTHERN PORTION OF THE SEGUIN CERTIFICATED AREA; 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.**

**WHEREAS**, the City Council has previously approved a sanitary sewer project, including oversizing the line, to serve development on the northeast side of the City (the “Project”) including a residential development in the area of Harborth Road; and

**WHEREAS**, the Project requires the City to obtain easements for the Project. The effected properties are shown on the attached Exhibit “A” which is incorporated fully in this Resolution by reference; and

**WHEREAS**, the appraisals for most of the effected properties have been completed and offer letters based on the full amount of the appraisals, along with a copy of the appraisals and the landowner’s bill of rights have been submitted to the effected property owners; and

**WHEREAS**, if the City is unable to agree with the Owner as to the fair cash market value of the easement and/or right-of-way after submitting its offer that was based on a written appraisal by an independent fee appraiser then a final offer letter will be sent to the effected property owner. For those property owners who do not accept the final offer, further negotiations will be futile necessitating condemnation.

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

**PART 1.** Public use and necessity requires that the City acquire easements from the properties that are outlined in the attached Exhibit A for the public purpose of providing sufficient sanitary sewer service in the northeast side of the City, including a new development at the northerly terminus of the sanitary sewer line. Public necessity also requires that the City acquire said easements either through purchase or by the process of eminent domain and that the City take all other lawful action necessary and incidental to such purchase or eminent domain proceeding.

**PART 2.** The City Council directs and authorizes the City Manager, staff, agents, and attorneys, including any retained attorneys, to institute and prosecute to conclusion all necessary

proceedings to condemn said rights of way and easements and to take any other legal action necessary and incidental to such acquisitions or eminent domain proceedings to survey, both lineal and archaeological, and to apprise, define, specify, and secure such property interest.

**PART 3.** All acts and proceedings done or initiated by the employees, agents, and attorneys of the City for the acquisition of such properties 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 owners from whom such rights are being acquired.

**PART 4.** If any provisions, sections, subsections, sentences, clauses, or phrases 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.

**PART 5.** This Resolution shall be in full force and effect immediately from and after its passage.

**ADOPTED** on the 19<sup>th</sup> day of November 2019.

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**DON KEIL**  
**MAYOR**

**ATTEST:**

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**Naomi Manski**  
**City Secretary**