

CITY OF SEGUIN

RESOLUTION NO. _____

STATE OF TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS, IN CONNECTION WITH THE RIVER-SAN MARCOS-HEIDEKE STREET PHASE II IMPROVEMENT PROJECT AND THE NORTH HEIDEKE PROJECT; AUTHORIZING ALL APPROPRIATE ACTION BY THE CITY MANAGER, STAFF, ATTORNEYS, AND CONSULTANTS, IN THE NEGOTIATION, PURCHASE, AND POSSIBLE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE UTILITY EASEMENTS AND FEE SIMPLE TITLE FROM LANDS HELD BY VARIOUS OWNERS ABUTTING THE STREET RIGHT-OF-WAY OF THE PROJECTS ALL WITHIN THE CITY OF SEGUIN, GUADALUPE COUNTY, TEXAS; 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 both the River-San Marcos-Heideke Street Phase II Project and the North Heideke Street Project (collectively the “RMSHII Project”); and

WHEREAS, to complete the RMSHII Project which, in part, install storm water infrastructure and will rebuild the involved roads along with underground utilities, requires the City to obtain both utility easements and fee title in property owned and claimed by a number of owners whose property abuts the involved streets. The involved parcels are identified and more particularly described on the attached Exhibit “A” incorporated herein by reference (“the property”); and

WHEREAS, City Staff will negotiate with each land owner in good faith based on appraisals obtained from an independent fee appraiser for each purpose, in an attempt to purchase easements and fee simple title for the fair cash market value of the involved property. Should negotiations fail City Staff will begin the proceeding necessary to take the property by eminent domain.

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 utility easements and fee simple title to the various tracts of land lying along the right of way of the RMSHII Project, all within Seguin, Guadalupe County, Texas, as more fully described in Exhibit “A” attached hereto and incorporated herein by reference for the purpose of sufficient right-of-way for the street reconstruction and easements for city utilities. It is a public necessity that the City acquire said

property 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 proceedings.

SECTION 2. The owners and claimants of the property described herein are and any other persons owning or claiming an interest.

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 condemn permanent and temporary easements to the property and to take any other legal action necessary and incidental to such acquisition and eminent domain proceedings to survey, both lineal and archaeological, and to appraise, define, specify, and secure such property interests.

SECTION 4. 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 5. 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 6. This resolution shall be in full force and effect immediately upon its passage.

PASSED AND APPROVED this 7th day of June 2016.

DON KEIL
Mayor

ATTEST:

Thalia Stautzenberger
City Secretary