

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SEGUIN, TEXAS DECLARING A NECESSITY FOR THE ACQUISITION OF A 2.01-ACRE PERMANENT UTILITY EASEMENT AND A 0.23-ACRE TEMPORARY CONSTRUCTION EASEMENT ON A TRACT OF LAND OUT OF THE J. SOWELL SURVEY, A-35, GUADALUPE COUNTY, TEXAS, AND BEING OUT OF A CALLED 4.23-TRACT OF LAND (TRACT E) DEDICATED FOR DRAINAGE AND UTILITY USE, CONVEYED TO NOLTE FARMS MASTER COMMUNITY, INC DESCRIBED BY AN INSTRUMENT RECORDED IN DOCUMENT NUMBER 2016027809 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS, AND 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 INSTALLATION, CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, UPGRADE AND REMOVAL OF MULTIPLE WATER, WASTEWATER AND REUSE WATER TRANSMISSION LINES AND RELATED ABOVE AND BELOW GROUND APPURTENANCES NEAR GATESHEAD DRIVE TO INCREASE WASTEWATER SERVICE CAPACITY TO THE AREA 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 Engineering and Capital Projects Department has determined that acquisition of a 2.01-acre permanent utility easement and a 0.23-acre temporary construction easement on a 4.23-acre tract of land (Tract E) in the J. Sowell Survey, A-35, Guadalupe County, Texas, conveyed to Nolte Farms Master Community, Inc, described by an instrument recorded in document number 2016027809 of the Official Public Records, Guadalupe County, Texas. Said easements being more particularly described by metes and bounds and shown in Exhibit "A," which is attached hereto and incorporated for all purposes. The easements described and depicted in said exhibit are collectively referred to herein as the "Property."

**WHEREAS**, acquisition of the Property is necessary to advance and achieve the public purpose of installation, construction, operation, maintenance, repair, upgrade and removal of multiple wastewater and reuse water transmission lines, together with service connections, a cathodic protection system, SCADA (Supervisory Control and Data Acquisition) connections, and above-ground manhole covers , vehicular access, fiber optic lines, communication lines, electrical lines, water lines, and all other necessary or desirable above-ground and below-ground laterals and appurtenance thereto, including lift stations and fencing for the Geronimo Creek Wastewater Treatment Plant Force Main 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

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

**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 to conclusion proceedings in eminent domain to acquire the property, and to take all other lawful action necessary and incidental to such eminent domain 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 proceedings in eminent domain to condemn 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 eminent domain proceeding 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 2.01-acre permanent utility easement and a 0.23-acre temporary construction easement on a 4.23-acre tract of land (Tract E) in the J. Sowell Survey, A-35, in 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

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unconstitutionality or invalidity of any other portion hereof and all provisions of this Resolution are declared to be severable for that purpose.

**PASSED AND APPROVED on the 1<sup>st</sup> day of April 2025.**

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**DONNA DODGEN**  
**MAYOR**

**ATTEST:**

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**Kristin Mueller, City Secretary**