

STATE OF TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS, IN CONNECTION WITH THE RUDELOFF ROAD IMPROVEMENT PROJECT; AUTHORIZING ALL APPROPRIATE ACTION BY THE CITY MANAGER, STAFF, ATTORNEYS, AND CONSULTANTS, IN THE NEGOTIATION, PURCHASE, AND THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS THROUGH THE USE OF EMINENT DOMAIN TO ACQUIRE A FEE SIMPLE INTREST IN THREE PARCELS OF LAND BEING A 1.597 ACRE, A 0.86 ACRE, A 0.083 ACRE AND A 0.428 ACRE OF LAND; AND A 0.086 ACRE DRAINAGE EASEMENT ALL OWNED BY AWK ENTERPRISES, LLC, LOCATED 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, on December 1, 2020, the Seguin City Council based upon the recommendation of its staff, and after a prior public hearing passed a Resolution finding that public use and necessity required acquisition eighteen parcels of land including the hereinafter described land rights needed for the Rudeloff Road Improvement Project (the Project”); and

WHEREAS, to complete the Project, including the purchase of right-of-way for the Rudeloff Road the City needs to purchase the following three parcels of land from AWK Enterprises, LLC:

(a) a 1.597 acre, more or less, right-of-way acquisition from a 71.53 acre tract located in the J.D. Clements Survey No. 18, Abstract 11; and

(b) a 0.083 acre, more or less, right-of-way acquisition from a 71.53 acre tract located in the J.D. Clements Survey No. 18, Abstract 11; and

(c) a 0.428 acre, more or less right-of-way acquisition from a 71.53 acre tract located in the J.D. Clements Survey No. 18, Abstract 11; and

The involved parcels are identified and more particularly described on the attached Exhibits “A”, “B”, and “C”, incorporated herein by reference (“the property”); and

WHEREAS, the Project also requires that the City a drainage easement over a 0.086 acre, more or less, parcel of land from a 71.53 acre tract located in the J.D. Clements Survey No. 11, Abstract 18; as more particularly described in the attached Exhibit “D”; and

WHEREAS, City Staff has been negotiating with AWK Enterprises, LLC in good faith based on appraisals obtained from an independent fee appraiser for the stated purpose, in an attempt to purchase fee simple title for the fair cash market value of the involved properties. At this point in time the negotiations have failed to result in an Agreement; hence the City must proceed to condemnation in order for the project to proceed.

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 a 1.597, 0.083 and 0.438 acre right-of-way in fee simple and a 0.086 acre drainage easement in the four parcels of land owned by AWK Enterprises, LLC out of the J.D. Clements Survey #18, Abstract 11, and as more fully described in the attached Exhibits "A through D." 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 owner and claimant of the property described herein is AWK Enterprises, LLC.

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 the right of way and permanent utility 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 6th day of July 2021.

DONNA DODGEN
Mayor

ATTEST:

Naomi Manski
City Secretary