

CITY OF SEGUIN

RESOLUTION NO. _____

STATE OF TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS, IN CONNECTION WITH THE NORTH HEIDEKE STREET 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 TO ACQUIRE A 0.232 ACRE RIGHT OF WAY BY FEE SIMPLE AND A 0.048 UTILITY EASEMENT FROM LANDS OWNED ARVINDBHAI AND DHRUTI PATEL 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, based upon the recommendation of its staff, and after a prior public hearing the City Council finds that public use and necessity require acquisition of the hereinafter described land rights needed for the North Heideke Street Improvement Project (the Project”); and

WHEREAS, to complete the Project, including the purchase of right-of-way for Heideke Street and aerial easements for relocation of the City’s electric utility lines, the City needs to purchase a 0.232 acre parcel of land and needs to obtain an additional 0.048 acres of land from Arvindbhai and Dhruti Patel (the “Patels”). The involved parcels are identified and more particularly described on the attached Exhibit “A” incorporated herein by reference (“the property”); and

WHEREAS, City Staff has been negotiating with the Patel’s 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. At this point in time the negotiations have failed to result in an Agreement or a temporary right of entry; 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 0.232 acre right-of-way in fee simple and a 0.048 acre utility easement in of a parcel of land owned by the Patels out of the H Branch Survey #17, Abstract 6, and as more fully described in the attached Exhibit “A.” 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 Arvindbhai and Dhruti Patel.

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 16th day of August 2016.

DON KEIL
Mayor

ATTEST:

Thalia Stautzenberger
City Secretary