

**CITY OF SEGUIN**

**RESOLUTION NO. \_\_\_\_\_**

**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 THREE TRACTS OF LAND ON MEDLIN STREET OWNED BY JAMES BAKER (520 MEDLIN), JOSHUA JACOB RANGEL AND ERIKA LOPEZ TRISTAN (524 MEDLIN) AND KERMIT & J ANTWINE (530 MEDLIN) FOR USE BY THE CITY FOR EXPANSION OF POLICE DEPARTMENT FACILITIES; 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.**

**RECITALS:**

**WHEREAS**, the City Council has previously approved working with an agent to purchase land for use by the police department for future expansion (the "Project"); and

**WHEREAS**, the Project requires the City to obtain three parcels of land by fee simple to provide necessary land for future expansion of the police facilities, including parking. The effected properties are shown on the attached Exhibit "A" which is incorporated fully in this Resolution by reference; and

**WHEREAS**, the appraisals for the effected properties are currently being undertaken 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 will be submitted to the effected property owners; and

**WHEREAS**, through its agent the City has worked extensively with Mr. James Baker, one of the owners, but the liens and other legal issues with the property will necessitate proceeding with eminent domain; and

**WHEREAS**, if the City is unable to agree with each Owner as to the fair cash market value of the property 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 each of 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 the City to acquire fee simple interest in the property set forth in the attached Exhibit A for the public purpose of providing for future expansion of the police department including parking areas. Public necessity also requires that the City acquire said fee simple interest in the properties 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 3.** 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 4.** 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 5.** 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 6.** This Resolution shall be in full force and effect immediately from and after its passage.

**ADOPTED** on the 6<sup>th</sup> day of December 2016.

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**DON KEIL**  
**MAYOR**

**ATTEST:**

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