

CITY OF SEGUIN

RESOLUTION NO. _____

STATE OF TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AUTHORIZING THE ENTRY, NEGOTIATION AND PURCHASE INCLUDING THE USE OF EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF PERMANENT UTILITY EASEMENTS IN 13 TRACTS OF LAND NEEDED FOR A SANITARY SEWER FORCE MAIN NEEDED FOR THE DECOMMISSIONING OF THE WALNUT BRANCH WASTEWATER PLANT; 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.

WHEREAS, the City Council has previously approved moving forward with the construction of additional capacity for the Geronimo Creek Wastewater Treatment Plant and the eventual decommissioning of the Walnut Branch Plant; and

WHEREAS, the Project requires a sanitary sewer force main to take wastewater from Walnut Branch to Geronimo Creek plant, as well as other associated utilities to be placed within the same easement; and

WHEREAS, it is necessary for the City to obtain easements for the Project. The effected properties are shown on the attached Exhibit "A" which is incorporated fully in this Resolution by reference; and

WHEREAS, the first step is to obtain a right of entry so that the City can perform the environmental studies that are required prior to approval of financing from the Texas Water Development Board; and

WHEREAS, once the environmental studies are completed, the final route will be determined, and the effected properties will be surveyed; and

WHEREAS, an appraisal for the effected properties will be completed 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, if the City is unable to obtain a right of entry for initial studies or later agree with the Owner as to the fair cash market value of the easement after submitting its offer that was based on a written appraisal by an independent fee appraiser and final offer then further legal action, including seeking condemnation, will be necessary.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS:

PART 1. Public use and necessity requires that the City acquire a right of entry followed by the acquisition of easements from the properties that are outlined in the attached Exhibit A for the

public purpose of providing a new sanitary force main and other related utilities needed to complete the decommissioning of the Walnut Branch Wastewater Treatment Plant. Public necessity also requires that the City acquire said entry and easements 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 proceeding.

PART 2. 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 obtain a right of entry and 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 3. 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 4. 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 5. This Resolution shall be in full force and effect immediately from and after its passage.

ADOPTED on the 2nd day of February 2021.

DONNA DODGEN
MAYOR

ATTEST:

Naomi Manski
City Secretary