



It's real.

MEMORANDUM

To: City of Seguin Mayor and Council

From: Andy Quittner, City Attorney *AQ*

Date: January 28, 2021

Re: Resolution authorizing entry, negotiation and purchase, including the use of eminent domain, for obtaining utility easements for the Walnut Branch Wastewater Treatment Plant Decommissioning Project

City Council has approved going forward with the expansion of the Geronimo Creek Wastewater Treatment Plant and the decommissioning of the Walnut Branch Wastewater Treatment Plant. Part of the process will require building two force main sanitary sewer lines from a lift station to be constructed at the old Walnut Branch site to the expanded Geronimo Creek Plant. The proposed route, subject to proper findings from the environmental studies, is shown on the exhibit enclosed with the resolution.

In order to secure financing the City must undertake environmental studies along the proposed route for the force main. Staff is currently obtaining a right of entry from each of the property owners. A couple of property owners have engaged counsel to assist in the process.

Following the environmental studies the route will be surveyed and then each property appraised, and an offer based on the full appraisal value will be given to each owner.

This resolution serves as permission from the City Council to begin the process for obtaining the land and is part of the legal requirements for the process. The use of legal proceedings, such as eminent domain, is always a last resort and will not be undertaken without coming back to Council for further permission to continue with a specific property.

City staff recommends passing this Resolution.