

RESOLUTION NO. R-13-11-14-__

WHEREAS, the City Council, upon consideration of the matter, has determined that there is a public necessity for the welfare of the City of Round Rock (“City”) and the public-at-large to acquire property for the installation of public utilities including, but not limited to, water works, wastewater, electrical, gas and telecommunications located at 409 West Liberty Avenue (the “Project”); and

WHEREAS, in accordance with the above, the City Council hereby finds that it is a necessity and in the public interest to acquire a public utility easement interest for the Project in the following:

0.014 acre (625 square foot), tract of land situated in the Wiley Harris Survey, Abstract No. 298, located at 409 West Liberty Avenue, Round Rock, Texas 78664 belonging to Edward John Walsh, III and Christopher Lynn Walsh; said land more particularly described in and shown on Exhibit “A” attached hereto and incorporated herein by reference for all purposes (the “Property”);

WHEREAS, it is necessary to establish procedures for determining and approving just compensation for the Property to be acquired for this Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS.

I.

Section 1. The City Council hereby finds and determines that it is necessary for the welfare of the City and its citizens and is in the public interest to construct and maintain improvements in the City and to acquire property interests to assist with such purposes in and to the above described lands, free and clear of any liens and encumbrances, in order to allow the City and/or its assigns to complete said Project.

Section 2. The City Manager or his designated agent, is hereby authorized on behalf of the City to attempt to negotiate, settle and agree on damages and compensation to be paid to owners of any

remaining interest in the Property, and to make official, written, bona fide offers to the owners for the market value of said Property or property interest. If it is determined that an agreement as to the value of said Property, damages and/or compensation to be paid cannot be reached, then the City Attorney is hereby authorized to file or cause to be filed, against the owners and interested parties of any interest in the Property, proceedings in eminent domain to acquire the stated interest in and to the above described lands, in order to allow the City and/or its assigns to complete said Project, and to perform and undertake all other proceedings necessary to complete the acquisition of the Property.

Section 3. It is the intent of the City Council that this resolution authorizes the condemnation of all property interests required to complete the construction and maintenance of the Project and associated public purposes and uses. If it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the City Attorney is authorized to have such errors corrected or revisions made without the necessity of obtaining a new resolution of the City Council authorizing the condemnation of the corrected or revised Property.

Section 4. The findings of fact, recitations of provisions set in the preamble of this Resolution are adopted and made a part of the body of this Resolution, as fully as if the same were set forth herein.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 14th day of November, 2013.

ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk