

RESOLUTION NO. R-2018-5501

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS
DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF
CERTAIN PROPERTY AND AUTHORIZING THE CITY'S
ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN
TO ACQUIRE SAID PROPERTY INTERESTS**

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, Texas ("City"), the State of Texas, acting by and through the Texas Transportation Commission and Texas Department of Transportation ("TxDOT"), and the public-at-large to construct certain roadway improvements to RM 620, and to perform associated public uses and purposes ("Project"); and

WHEREAS, in accordance with the above, the City Council hereby finds that public necessity requires the acquisition of fee simple title to approximately 0.158 acre (Parcel 1) of land, and public utility easement interest in and across approximately 0.123 acre (Parcel 1PUE) of land, located in Williamson County, Texas and more particularly described by metes and bounds in Exhibits "A" and "B" attached hereto (the "Property"), such property being owned by **Robinson Land Limited Partnership, a Texas limited partnership; Robinson 1991 Land Limited Partnership, a Texas limited partnership; GER Land Partnership, Ltd., a Texas limited partnership; Robinson Ranch, a Texas general partnership; John Oscar Robinson and Scott Bradley Robinson, Co-Trustees of the A.H. Robinson, III, Lifetime Trust(s); Scott Bradley Robinson, Successor Trustee of the A. H. Robinson, III Exempt Lifetime Trust, under the Will of A.H. Robinson, Jr.; Flora Robinson Cospers and Lila Virginia Tyler Fleming Co-Trustees of the Flora Robinson Cospers Lifetime Trust; Carla Robinson Allen, Trustee of the Carla Robinson Allen Exempt Lifetime Trust, under the Will of A.H. Robinson, Jr.; Carla Robinson Allen and Anton Allen, as Co-Trustees of the Carla Robinson Allen Lifetime Trust; J.P. Morgan Chase Bank, N.A., Trustee of the T. Scott Robinson Exempt Lifetime Trust, under the Will of A. H. Robinson, Jr. and of the**

Thomas Scott Robinson Lifetime Trust; Scott Bradley Robinson, as Trustee of the Scott Bradley Robinson Exempt Appointment Trust No. Two u/w/o A. H. Robinson, III, Deceased, dated April 21, 2005; Alfred Henry Robinson, IV, and Austin Trust Company, as Co-Trustees of the Alfred Henry Robinson, IV, Exempt Appointment Trust No. Two u/w/o A. H. Robinson, III, Deceased, dated April 21, 2005; Flora Louise Robinson Crosswell, as Trustee of the Flora Louise Robinson Crosswell Exempt Appointment Trust No. Two u/w/o A. H. Robinson, III, Deceased, dated April 21, 2005; and Elaine Robinson Benton, as Trustee of the Elaine Robinson Benton Exempt Appointment Trust No. Two u/w/o A. H. Robinson, III, Deceased, dated April 21, 2005, and all successors and/or assigns, for the public use of construction, reconstruction, widening, maintaining, and operating of the RM 620 roadway improvements and related facilities and utility adjustments and relocation (“Project”), excluding all the oil, gas, and sulphur which can be removed from beneath said real property, without any right whatever remaining to the owner of such oil, gas, and sulphur of ingress to or egress from the surface of said real property for the purpose of exploring, developing, or mining of the same, as a part of the improvements to the Project, at such locations as are necessary and that such constructing, reconstructing, maintaining, and operating shall extend across and upon, and will cross, run through, and be upon the herein described real Property;

WHEREAS, it is necessary to establish procedures for determining and approving just compensation and completing acquisition of the Property for this Project.

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

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 coordinate with TxDOT to construct and maintain roadway 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, TxDOT, and/or its assigns to complete said Project.

Section 2. The City Attorney, or his designated agent, has on behalf of the City attempted or shall attempt to negotiate, settle and agree on compensation to be paid to the owners of any interest in the Property, and has made or will 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 or his designated agent is hereby authorized to file or cause to be filed, against the owners and holders of other related interest in the Property, proceedings using the City's power of eminent domain to acquire the stated interest in and to the above described lands, in order to allow the City, TxDOT and/or their 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. 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 24th day of May, 2018.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk