

**RESOLUTION NO. R-2021-214**

**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 ("City"), the Brushy Creek Regional Utility Authority, Inc. ("BCRUA"), the City of Cedar Park, the City of Round Rock, and the City of Leander as participating cities in the BCRUA, and the public-at-large to construct certain raw water line and electric utility improvements to and for the regional water treatment and distribution system of the BCRUA and its participating cities, 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 acquisition of the following a temporary construction easement over and across approximately 0.199 acre of land (Parcel 68B TCE), located in Travis County, Texas and more particularly described by metes and bounds and survey plat in Exhibit "A" attached hereto (the "Property"), such Property being owned by **NED DAVENPORT**, for the public use of facilitating construction, reconstruction, installation, maintaining, and operating of subsurface intake tunnel facilities required as part of the improvements to the Project, at such locations as are necessary and that such constructing, reconstructing, maintaining, and operating shall extend upon and will cross, run through, and over the surface of the herein described real Property or the adjacent property rights owned or acquired by City; and

**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 of Round Rock, the BCRUA, and its member cities and their citizens, to construct the project on the Property and/or adjacent property acquired by City and BCRUA for the Project, 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 BCRUA, its member cities, and the City and/or its assigns to complete said Project.

Section 2. The City Attorney, or his designated agent, has or shall on behalf of the BCRUA, its member cities, and the City 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 a voluntary acquisition 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 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. 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 facts and 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 12th day of August, 2021.

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CRAIG MORGAN, Mayor  
City of Round Rock, Texas

ATTEST:

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SARA L. WHITE, City Clerk