



Legislation Details (With Text)

File #: 2019-0141
Type: Resolution **Status:** Approved
File created: 3/6/2019 **In control:** City Council
On agenda: 3/28/2019 **Final action:** 3/28/2019
Title: Consider a resolution determining the necessity and authorizing the use of the City's power of eminent domain to acquire a subsurface raw water line easement in and to 0.524 acre of land owned by Jo Ann Smothers Walker for the construction of raw water line utility improvements to and for the regional water treatment and distribution system of the Brushy Creek Regional Utility Authority, Inc. and its participating cities, and take other appropriate action (Parcel 41).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution, 2. Exhibit A, 3. Maps

Date	Ver.	Action By	Action	Result
3/28/2019	1	City Council	approve	Pass

Consider a resolution determining the necessity and authorizing the use of the City's power of eminent domain to acquire a subsurface raw water line easement in and to 0.524 acre of land owned by Jo Ann Smothers Walker for the construction of raw water line utility improvements to and for the regional water treatment and distribution system of the Brushy Creek Regional Utility Authority, Inc. and its participating cities, and take other appropriate action (Parcel 41).

The BCRUA's appraised value by Paul Hornsby & Co. for the proposed easement acquisition is calculated as follows: 0.524 ac./22,825SF x \$125K ac/\$2.87 SF x 10% easement rights = \$6,550

This resolution reserves the City's right to use eminent domain to acquire this tract should it become necessary.

EMINENT DOMAIN MOTION LANGUAGE REQUIREMENTS

Mayor and Council:

The Texas Government Code §2206.053 has very specific requirements for the motion to authorize eminent domain proceedings. In order to make certain that we comply with these statutory requirements, I recommend that the motion to adopt the resolution be read aloud as follows:

"I move that the City Council approve this resolution which authorizes the use of the power of eminent domain to acquire a subsurface raw water line easement to the following parcel of land for construction of raw water line utility improvements to and for the regional water

treatment and distribution system of the Brushy Creek Regional Utility Authority, Inc. and its participating cities: a 0.524-acre tract of land from property owned by Jo Ann Smothers Walker, as described in Exhibit A of the resolution."