



Legislation Details (With Text)

File #: 2019-0233
Type: Resolution **Status:** Approved
File created: 5/22/2019 **In control:** City Council
On agenda: 6/13/2019 **Final action:** 6/13/2019
Title: Consider a resolution determining the necessity and authorizing the use of the City's power of eminent domain to acquire (1) a subsurface raw water line easement in and under four parcels of land totaling approximately 2.149 acres, and (2) a monitoring well easement in and to that certain 25 square foot parcel of land, all owned by Greg Attwood, Trustee, Greg Attwood and Kimberly Attwood for the construction of Brushy Creek Regional Utility Authority (BCRUA) raw water line utility improvements and take other appropriate action (Parcels 1, 2, 16, 106).

Sponsors:

Indexes:

Code sections:

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

Date	Ver.	Action By	Action	Result
6/13/2019	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 (1) a subsurface raw water line easement in and under four parcels of land totaling approximately 2.149 acres, and (2) a monitoring well easement in and to that certain 25 square foot parcel of land, all owned by Greg Attwood, Trustee, Greg Attwood and Kimberly Attwood for the construction of Brushy Creek Regional Utility Authority (BCRUA) raw water line utility improvements and take other appropriate action (Parcels 1, 2, 16, 106).

The City's original appraised value (5.29.18) and purchase offer was for the amount of \$21,548. The only substantive response from the owners was to request a connection to the proposed raw water line, which could not be accommodated. The owners are represented by counsel, and we continue to encourage a monetary counteroffer for consideration by the City.

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, and a monitoring well

easement, in and to the following parcels of land 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.: four parcels of land totaling approximately 2.149 acres, and a monitoring well easement in and to that certain 25 square foot parcel of land, from property owned by Greg Attwood, Trustee, Greg Attwood and Kimberly Attwood, as described in Exhibits A-E of the resolution.”