



## Legislation Details (With Text)

**File #:** 2019-0234  
**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 a subsurface raw water line easement in and under approximately 0.012 acres of land owned by Scott E. McCormack and Gemma A. McCormack for the construction of Brushy Creek Regional Utility Authority (BCRUA) raw water line utility improvements, and take other appropriate action (Parcel 37).

**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 a subsurface raw water line easement in and under approximately 0.012 acres of land owned by Scott E. McCormack and Gemma A. McCormack for the construction of Brushy Creek Regional Utility Authority (BCRUA) raw water line utility improvements, and take other appropriate action (Parcel 37).

The City's original appraised value (2.27.19) was in the amount of \$153, although a project wide minimum purchase amount of \$5,000 was made with the initial offer, which was not accepted. The owner has not responded to additional inquiries from the r.o.w. negotiating team.

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 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.: a 0.012 acre tract of land from property owned by Scott E. McCormack and Gemma A. McCormack, as***

***described in Exhibit A of the resolution.”***