



## Legislation Details (With Text)

<b>File #:</b>	2019-0405	<b>Status:</b>	Approved
<b>Type:</b>	Resolution	<b>In control:</b>	City Council
<b>File created:</b>	9/23/2019	<b>Final action:</b>	10/10/2019
<b>On agenda:</b>	10/10/2019		
<b>Title:</b>	Consider a resolution determining the necessity and authorizing the use of the City's power of eminent domain to acquire an electric utility easement in and across approximately 0.115 acre of land owned by Kirby Franks and Billie Dell Franks for the construction of certain raw water line and electric 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 92).		
<b>Sponsors:</b>			
<b>Indexes:</b>	Regional Water Fund		
<b>Code sections:</b>			
<b>Attachments:</b>	1. Resolution, 2. Exhibit A, 3. Maps		

Date	Ver.	Action By	Action	Result
10/10/2019	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 an electric utility easement in and across approximately 0.115 acre of land owned by Kirby Franks and Billie Dell Franks for the construction of certain raw water line and electric 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 92).

The Brushy Creek Regional Utility Authority will require the construction of electrical utility improvements in order to provide the necessary power for the proposed pump station for the deep water intake. Negotiations have been occurring with property owners for the necessary easements for these improvements.

The appraised value for the proposed electric easement for this property owner was: 0.115 ac. x \$39,079/acre x 85% easement rights = \$3,820

There was no substantive response to the initial or final purchase offers.

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 an electric utility easement in and across the following parcel of land for construction of certain raw water line and electric utility improvements to and for the regional water treatment and distribution system of the Brushy Creek Regional Utility Authority, Inc.: a 0.115-acre tract of land from property owned by Kirby Franks and Billie Dell Franks, as described in Exhibit A of the resolution."***