



Legislation Details (With Text)

File #: 2019-0406
Type: Resolution **Status:** Approved
File created: 9/23/2019 **In control:** City Council
On agenda: 10/10/2019 **Final action:** 10/10/2019
Title: 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 0.278 acre of land owned by A.T. Holding-Travco, LLC 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 99).

Sponsors:

Indexes: Regional Water Fund

Code sections:

Attachments: 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 0.278 acre of land owned by A.T. Holding-Travco, LLC 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 99).

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 was: 0.278 ac. x \$19,891/acre x 85% easement rights = \$4,700

The owners rejected the purchase offer and have not provided any specific counteroffer demand.

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 0.278-acre tract of land from property owned by A.T. Holding-Travco, LLC, as described in Exhibit A of the resolution."