



## Legislation Details (With Text)

**File #:** 2020-0329  
**Type:** Resolution **Status:** Approved  
**File created:** 10/26/2020 **In control:** City Council  
**On agenda:** 11/12/2020 **Final action:** 11/12/2020  
**Title:** Consider a resolution determining the necessity for, and authorizing the use of the City's power of eminent domain to acquire an electric utility easement in and across two parcels of land totaling a 0.321-acre tract of land owned by Our Lady Queen of Peace House of Prayer for the Brushy Creek Regional Utility Authority's Raw Water Delivery System.  
**Sponsors:**  
**Indexes:** Regional Water Fund  
**Code sections:**  
**Attachments:** 1. Resolution, 2. Exhibit A, 3. Map

Date	Ver.	Action By	Action	Result
11/12/2020	1	City Council	approve	Pass

Consider a resolution determining the necessity for, and authorizing the use of the City's power of eminent domain to acquire an electric utility easement in and across two parcels of land totaling a 0.321-acre tract of land owned by Our Lady Queen of Peace House of Prayer for the Brushy Creek Regional Utility Authority's Raw Water Delivery System.

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 City's appraised value for the proposed electric easement was \$8,186 for the 0.321 acres. There was additional compensation of \$5,897 for replacement fencing. The City's appraiser found no damages to the remainder to be caused by the acquisition.

The owners are represented by Brady & Hamilton, LLP. There have been no substantive demands or counteroffers in response to the initial or final offer letters from Cobb Fendley.

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 0.321-acre tract of land from property owned by Our Lady Queen of Peace House of Prayer for, as described in Exhibit A of the resolution."***