



## Legislation Details (With Text)

**File #:** 2021-214  
**Type:** Resolution  
**Status:** Agenda Ready  
**File created:** 7/26/2021  
**In control:** City Council  
**On agenda:** 8/12/2021  
**Final action:**  
**Title:** Consider a resolution determining the necessity for, and authorizing the use of the City's power of eminent domain to acquire a temporary construction easement interest in 0.199-acre tract of land owned by Ned Davenport and required for Phase 2 of the BCRUA water delivery system project.  
**Sponsors:**  
**Indexes:** Regional Water Fund  
**Code sections:**  
**Attachments:** 1. Resolution, 2. Exhibit A, 3. Map

Date	Ver.	Action By	Action	Result
8/12/2021	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 a temporary construction easement interest in 0.199-acre tract of land owned by Ned Davenport and required for Phase 2 of the BCRUA water delivery system project.

The Brushy Creek Regional Utility Authority (BCRUA) is in the process of acquiring easements necessary for the construction of a raw water pipeline that is required to transport water from a future pump station to the BCRUA Water Treatment Plant.

This Purchase Agreement is with Ned Davenport for the acquisition of 0.199 acre along the property for a temporary construction easement that is necessary for the tunnel construction of the project.

There have been no substantive responses to the City's initial offer of \$72,610. If settled on this initial offer amount, Round Rock's portion would be 28.19% which equates to \$20,468.76.

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 temporary construction easement interest to the following parcel of land for Phase 2 of the BCRUA water delivery system Project: a 0.199-acre tract of land from property owned by Ned Davenport, as described in Exhibit A of the resolution."***