



## Legislation Text

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**File #:** 2020-0091, **Version:** 1

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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 a 0.366-acre tract of land from property owned by Texas Land Fund No. 6, L.P. for the Brushy Creek Regional Utility Authority (BCRUA) Phase 2 Raw Water Delivery Project.

The owners have not provided any substantive response to consultant Cobb Fendley's initial purchase offer letter (1.8.18) or final purchase offer letter (7.8.19) for this parcel. We will make additional requests for response prior to actually filing the condemnation suit, but in order to stay on schedule for overall project right of way acquisition the next step of eminent domain authorization is requested.

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 the following parcel of land for the BCRUA Phase 2 Raw Water Delivery Project: a 0.366-acre of land from property owned by Texas Land Fund No. 6, L.P., as described in Exhibit A of the resolution."***