

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUDA, FINDING PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, FOR ACQUISITION OF A PERMANENT WASTEWATER EASEMENT AND FIVE TEMPORARY CONSTRUCTION EASEMENTS TO EFFECTUATE THE GARLIC CREEK FORCE MAIN WASTEWATER UTILITY IMPROVEMENTS PROJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in order to promote public health, safety, and welfare, the City of Buda (the “City”) hereby finds that public convenience and necessity require acquisition of a permanent wastewater easement in that certain tract of land totaling 0.750 acres, more or less, (“The Property”) and described with particularity by metes and bounds as well as an accompanying sketch in the attached **Exhibit “A,”** which exhibit is incorporated herein by reference as if fully set out, and also acquisition of five (5) temporary construction easements, the first being a .010 acre triangle, or less, abutting the NW edge of The Property (“TCE-1”); the second being a 10’ wide strip totaling 0.088 acres, more or less, situated along the southern edge of the Property beginning at its NW corner (“TCE-2”); the third being a 10’-wide strip totaling 0.315 acres, more or less, situated along the eastern edge of the Property (“TCE-3”); the fourth being a 12.5’-wide strip totaling 0.063 acres, more or less, situated along a portion of the western edge of the Property (“TCE-4”); and the fifth being a triangular-shaped tract of land totaling .020 acres, more or less, situated approximately 416.46’ NW of the SW corner of the Property (“TCE-5”), all five temporary construction easements being depicted by sketch as above-described in **Exhibit “A,”** and all takings being for the public use of construction, reconstruction, improvement, operation, maintenance and extension of wastewater lines, improvements, and appurtenances thereto as part of the Garlic Creek Force Main (the “Project”), and further for the use of any and all excavated materials from the Property for the City’s use during the Project; and

WHEREAS, it may be necessary to hire engineers, surveyors, appraisers, attorneys, title companies, architects, or other persons or companies to effect the laying out, establishment, and acquisition of the Property and the Project; and

WHEREAS, in order to acquire the Property, it will be or has been necessary for the City’s agents, representatives, or employees to enter upon the Property for the purpose of surveying and establishing said land titles and to determine adequate compensation for said land, to conduct tests, and to negotiate with the owners thereof for the purchase of the land titles; and,

WHEREAS, it was necessary to set out procedures for the establishment and approval of just compensation for each of the parcels to be acquired for the Project;

Now, THEREFORE, be it RESOLVED by the City Council of the City of Buda:

1. That in order to promote the public health, safety, and welfare, public convenience and necessity require the construction, reconstruction, improvement, operation, maintenance and extension of permanent wastewater lines, improvements, and appurtenances thereto on, over, under, across and through the 0.750 acre tract of real property described in the attached **Exhibit “A.”**
2. That in order to promote the public health, safety, and welfare, public convenience and necessity require the acquisition of temporary construction easements over the five areas abutting the Property as described above and totaling 0.010 acres, 0.088 acres, 0.315 acres, 0.063 acres, and 0.020 acres, respectively, to effectuate construction, reconstruction, improvement, operation, maintenance and extension of permanent wastewater lines, improvements, and appurtenances thereto on, over, under and across the 0.750 acre tract of real property described in the attached **Exhibit “A.”**
3. That in order to promote the public health, safety, and welfare, public convenience and necessity further require the City’s acquisition and use of any and all earthen materials excavated from the Property, TCE-1, TCE-2, TCE-3, TCE-4, and TCE-5 for purposes related to the Project, including but not limited to base, backfill, retention wall construction, site restoration, and all other purposes related to construction of the Project.
4. That the City’s agents, representatives, or employees are hereby authorized to:
 - a. Lay out the exact location of the land area needed from the Property or other properties;
 - b. Hire such engineers, surveyors, appraisers, title companies, architects, and other persons or companies needed to effect the laying out of the facilities, the establishment and acquisition of the required easements, and the construction of the public wastewater utility infrastructure improvements, and appurtenances thereto;
 - c. Enter upon any property necessary for the purpose of surveying and establishing the title, to determine adequate compensation for the easements, and to conduct tests;
 - d. Negotiate with the owners of any such properties for the purchase thereof;
 - e. To purchase any necessary easements and/or rights-of-way on, over, under and across the Property, and execute all documents necessary to acquire such right of way, all subject to express approval of the specific, negotiated terms by the City Council;

- f. Initiate eminent domain proceedings against the owner(s) of the Property for the necessary land titles or easements for the Property in the event the owner(s) fail to accept a bona fide offer to purchase said land titles or easements for the Property; and
 - g. Take whatever further actions deemed appropriate to economically effect the establishment of the Project and appurtenances thereto.
3. That all previous acts and proceedings done or initiated by the City's agents, representatives, or employees for the establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights in the Property are hereby authorized, ratified, approved, confirmed, and validated. This resolution shall take effect immediately from and after its passage.
 4. The Mayor is hereby authorized to sign this resolution and the City Secretary to attest thereto on behalf of the City of Buda.
 5. This resolution shall be effective immediately upon adoption.

RESOLVED by the City Council of the City of Buda this ____ day of _____, 2013.

ATTEST:

THE CITY OF BUDA:

 Danny Batts, City Secretary

By: _____
 Todd Ruge, Mayor