

CITY OF BASTROP

RESOLUTION NO. R-2024-35

**RESOLUTION APPROVING EXECUTION OF  
THE 7ARROWS-CORIX AGREEMENT**

**A RESOLUTION OF THE CITY OF BASTROP, TEXAS, APPROVING AN AGREEMENT BETWEEN THE CITY OF BASTROP AND 7ARROWS LAND STAFF, LLC, TO PROVIDE PROFESSIONAL LAND RIGHTS ACQUISITION SERVICES IN THE AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND FIVE HUNDRED DOLLARS (\$500,500.00), AS ATTACHED AS EXHIBIT "A"; AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS,** The City of Bastrop ("City") and Corix Utilities Inc. ("Corix") have entered into a certain Wholesale Wastewater Services Agreement, Wastewater Facility Payment Contribution Agreement, and Wastewater Easements Acquisition Agreement, which set forth the terms and conditions pursuant to which the City has agreed to provide wholesale wastewater services to Corix, including for the City to acquire, at the sole cost and expense of Corix, certain easements for the lands in which necessary wastewater line improvements for such agreements will be located (the "Project Easements"); and

**WHEREAS,** The City Council desires to enter into an Agreement with 7Arrows Land Staff, LLC, and Corix Utilities, Inc. ("Agreement"), as attached as Exhibit "A", which sets forth the terms and conditions pursuant to 7Arrows Land Staff, LLC, will provide professional land rights acquisition services to the City for the acquisition of the Project Easements.

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bastrop:**

**Section 1:** The City Council authorizes the execution of the Agreement (attached and incorporated herein as Exhibit "A"), for 7Arrows Land Staff, LLC, to provide professional land rights acquisition services in the amount not to exceed Five Hundred Thousand Five Hundred Dollars (\$500,500.00).

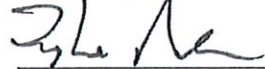
**Section 2:** All orders, ordinances, and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

**Section 3:** The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act.

**Section 4:** This Resolution shall take effect immediately upon its passage.

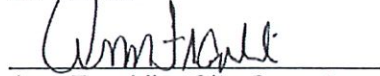
**DULY RESOLVED & ADOPTED** by the City Council of the City of Bastrop, Texas, on this, the 26<sup>th</sup> day of March 2024.

**APPROVED:**



\_\_\_\_\_  
Lyle Nelson, Mayor

**ATTEST:**



\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Alan Bojorquez, City Attorney



February 26, 2024

City of Bastrop  
Attn: Sylvia Carrillo, City Manager  
1311 Chestnut Street  
Bastrop, Texas 78602

Re: 969 Wastewater Connection Project  
Land Rights Acquisition Services

**SCOPE OF SERVICES**

**GENERAL:** The City of Bastrop has real estate impacts associated with the 969 Wastewater Connection Project (the Project) which will include appraisal and real estate acquisition services. 7Arrows Land Staff, LLC (7Arrows) shall provide a variety of services to support the City of Bastrop, Kimley-Horn and Associates, Inc. (Kimley-Horn) and Corix Utilities in execution of the project including appraisal and land rights acquisition services. 7Arrow's services may also include, as directed by the City of Bastrop, assistance with open houses or similar meetings with the public, presentations to all approval authorities, and other real estate and property work that may be needed from time to time to support the timely execution of the project.

**BASIC SERVICES:** 7Arrows shall render the following professional services in connection with the development of the Project.

1. Pre-Acquisition Services

- a) Research preliminary ownership and county tax information.
- b) Prepare and obtain any Rights of Entry necessary for surveying, geotechnical investigations, and environmental services.

2. Title Services

- a) Review preliminary title commitment (Schedules A, B & C) or preliminary title search information for all properties.
- b) Secure title commitments and updates in accordance with insurance rules and requirements for parcel payment submissions for properties which will be acquired in fee simple and for ROW easements.
- c) Secure title insurance for all parcels, insuring acceptable title. Cure all exceptions on Schedule C, when applicable. Written approval by City will be required for any exceptions to coverage.
- d) Attend closings and provide closing services in conjunction with Title Company for all tracts.



- e) Record all original instruments immediately after closing at the respective County Clerk's Office.
- f) Research title and provide Condemnation Title Report to legal counsel for property rights that will be acquired through Eminent Domain. (See item 7 below)

### 3. Pre-Appraisal Negotiations

- a) 7Arrows will make offer based on tax values of property to negotiate settlement for all willing property owners upon receipt of M&B survey documents.
- b) Any parcels that have not settled by the completion of appraisals, will then be acquired through the standard process as set forth by the City of Bastrop.

### 4. Appraisal Services

- a) Prepare and conduct personal pre-appraisal contact with interest owner(s) for each parcel.
- b) Contact property owners or their designated representative to offer opportunity to accompany the appraiser on the appraiser's inspection of subject property. Maintain record of contact in file.
- c) Finalize complete appraisal report for each parcel. These reports shall conform to the City's policies and procedures along with the Uniform Standards of Professional Appraisal Practice.
- d) All completed appraisals will be administratively reviewed and approved by the City.
- e) Appraisal fee could be adjusted based on complexity of evaluation within range provided in Fee Schedule.

### 5. Negotiation Services

- a) Analyze appraisal reports and confirm approved value prior to making offer for each parcel.
- b) Analyze preliminary title report to determine potential title problems and propose methods to cure title deficiencies. (Exhaust all efforts to obtain subordinations of liens, waiver of lienholders and clear any title, if 7Arrows staff cannot cure title through standard practices, the City will be responsible for obtaining legal counsel to remedy any tile deficiencies as required by title or alternatively, may elect to close the easement without a title policy).
- c) Prepare the initial offer letter and any other documents required or requested by the City in an acceptable form.
- d) Contact each property owner or owner's designated representative and present the written offer in person where practical. When owners do not wish to have offers delivered in person, they will be mailed via certified mail with return receipt for documentation of delivery/receipt. Maintain follow-up contacts and secure the necessary instruments upon acceptance of the offer for the closing.



- e) Provide a copy of the appraisal report for the subject property exclusively to the property owner or authorized representative at the time of the offer.
- f) Respond to property owner inquiries verbally and/or in writing within two business days.
- g) Prepare a separate negotiator contact report for each parcel file for each contact.
- h) Maintain parcel files of original documentation related to the purchase of the real property or property interests/acquisition of the Easement or Right of Way.
- i) Present counteroffers in a form as directed by the City. Transmit any written counteroffer from property owners including supporting documentation, and Agent's recommendation with regard to the counteroffer.
- j) Prepare second and final offer letter as necessary.

6. Acquisition/Closing Services

- a) Prepare check request, review closing documents and facilitate execution of all necessary documents. Attend closings and provide closing services in conjunction with Title Company for all tracts.
- b) Transport any documents to the City and landowner for signatures.
- c) Record or cause to be recorded all original instruments immediately after closing at the respective County Clerk's Office.
- d) Review Title Policy and provide to City for permanent storage.

7. Project Administration

- a) Maintain current status reports of all parcel and project activities.
- b) Provide bi-weekly update reports to the City.
- c) Participate in up to 10 project review meetings as requested, all additional meetings will be charged on a per hour basis.
- d) Maintain copies of all correspondence and contacts with property owners.
- e) Update database with current status information and documentation.
- f) Condemnation Support Services are not included in the Basic Scope of Services.



**SUPPLEMENTAL SERVICES (Not contemplated within BASIC SCOPE & FEE):**

8. Condemnation Support

- a) Upon receipt to proceed with Eminent Domain from City, order updated "Condemnation Limited Title Report" (search parameters set by City and/or outside legal counsel)
- b) Prepare condemnation package as directed by City and deliver to City's designee or legal counsel.
- c) Upon notification from City, request update of appraisal.
- d) As necessary, the appraiser will appear and or testify as an Expert Witness in eminent domain proceedings and be available for pre-hearing or pre-trial meetings as directed by City (additional fees to be charged on an hourly basis).
- e) As necessary, ROW Manager will appear and provide Expert Witness testimony when requested (Additional fees will be charged on an hourly basis).
- f) Supplemental Appraisal Fee to be applied for complex appraisals as needed.

Acquisition of Permanent Easement will be completed as part of Supplemental Services, if needed.

Submitted By: Nicole Costanza

Nicole Costanza, Managing Partner  
Date: 2/26/2024

Accepted by Corix Utilities Texas

Darrin Barker  
Darrin Barker, Business Unit President  
Date: March 6, 2024

Accepted by: City of Bastrop

Sylvia Carrillo  
Sylvia Carrillo, ICMA-CM, CPM, City Manager  
Date: 4/2/24



**City of Bastrop  
969 Wastewater Connection**

<b>FEE SCHEDULE – BASIC SERVICES</b>	
<b>Service Item</b>	<b>Per Parcel Fixed Fee</b>
<b>ACQUISITION SERVICES:</b>	
Right of Entry	\$1,250.00
Title & Title Curative	\$1,500.00
Administrative Fee	\$1,500.00
Pre-Appraisal Offer	\$2,000.00
In Fee or Easement Acquisition	\$3,000.00
Closing Services	\$2,500.00
Per Parcel Estimated Cost	\$11,750.00
<i>Acquisition of 26 Parcels</i>	<i>\$305,500.00</i>
<b>APPRAISAL SERVICES:</b>	
Permanent/Temporary Easement	\$5,500.00
<i>Appraisal of 26 Parcels</i>	<i>\$143,000.00</i>
<i>ROW Management - 260 hours</i>	<i>\$52,000.00</i>
<b>ESTIMATED COSTS:</b>	<b>\$500,500.00</b>
ROW Manager Hourly Rate	\$200.00
Agent Hourly Rate	\$125.00
<i>*7Arrows only charges for services performed on each parcel</i>	
<i>*Estimate <b>excludes</b> condemnation support</i>	