

CITY OF BASTROP

RESOLUTION NO. R-2023-148

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS FOR THE CITY'S WASTEWATER SYSTEM IMPROVEMENTS AND AUTHORIZING NEGOTIATIONS FOR AND THE EXECUTION OF NECESSARY DOCUMENTS TO ACQUIRE SAID REAL PROPERTY INTERESTS; PROVIDING FOR PROPERTY NOTICE & MEETING AND AN EFFECTIVE DATE.

WHEREAS, the City Council, upon consideration of the matter, has determined that there is a public necessity for the welfare of the City of Bastrop, Texas ("City") and the public-at-large to construct certain wastewater utility system improvements and related facilities, and other necessary infrastructure, being a lift station and 18" force main (the "Project"), and to perform associated public uses and purposes; and

WHEREAS, in accordance with the above, the City Council hereby finds that public necessity requires the acquisition of certain real property interests, including various permanent utility easements and temporary construction easements (the "Easements") as generally depicted in "Exhibit A", attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council desires that the City obtain appraisals of the Easements' market values consistent with state law, and proceed with negotiations with the underlying property owners, and possibly other claimants as reflected in the title review, for voluntary acquisitions of the Easements necessary for the Project; and

WHEREAS, it is necessary to establish procedures for determining and approving just compensation and completing the acquisition of the Easements for this Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, THAT:

SECTION 1: The City Council hereby finds and determines that it is necessary for the welfare of the City and its citizens to construct certain wastewater utility system improvements, and related facilities, and to acquire the Easements, free and clear of any liens and encumbrances, in order to allow the City and/or its assigns to complete said Project.

SECTION 2: The City Council hereby authorizes the City Manager, or the City Manager's designated agents, on behalf of the City (1) to obtain appraisals of the Easements' market values consistent with state law, (2) to attempt to negotiate, settle, and agree on compensation to be paid for the Easements to the underlying property owners, and possibly other claimants as reflected in title review, within the limitations as discussed in executive session, and (3) if agreement on compensation within the limitations as discussed in executive session is reached, to execute all necessary documents to complete the voluntary acquisitions of the Easements.

SECTION 3: It is the intent of the City Council that this Resolution authorizes the voluntary acquisitions of all property interests required to complete the construction and maintenance of the Project and associated public purposes. If it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions of the necessary property interests for the Project, the City Manager, or the City Manager's designated agents, is authorized to have such errors corrected or revisions made without the necessity of obtaining a new resolution of the City Council authorizing the condemnation of the corrected or revised property interests.

SECTION 4: The findings of fact and recitations of provisions set in the preamble of this Resolution are adopted and made a part of the body of this Resolution, as fully as if the same were set forth herein.

SECTION 5: This Resolution shall take effect upon passage and in accordance with the laws of the State of Texas.

SECTION 6: The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

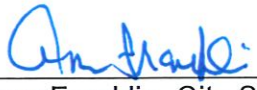
DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop, TX, this 26th day of September 2023.

APPROVED:



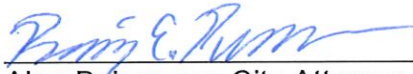
Lyle Nelson, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



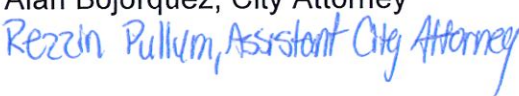
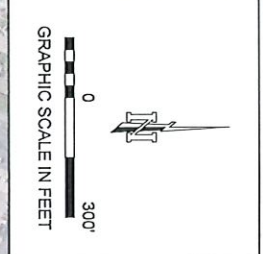
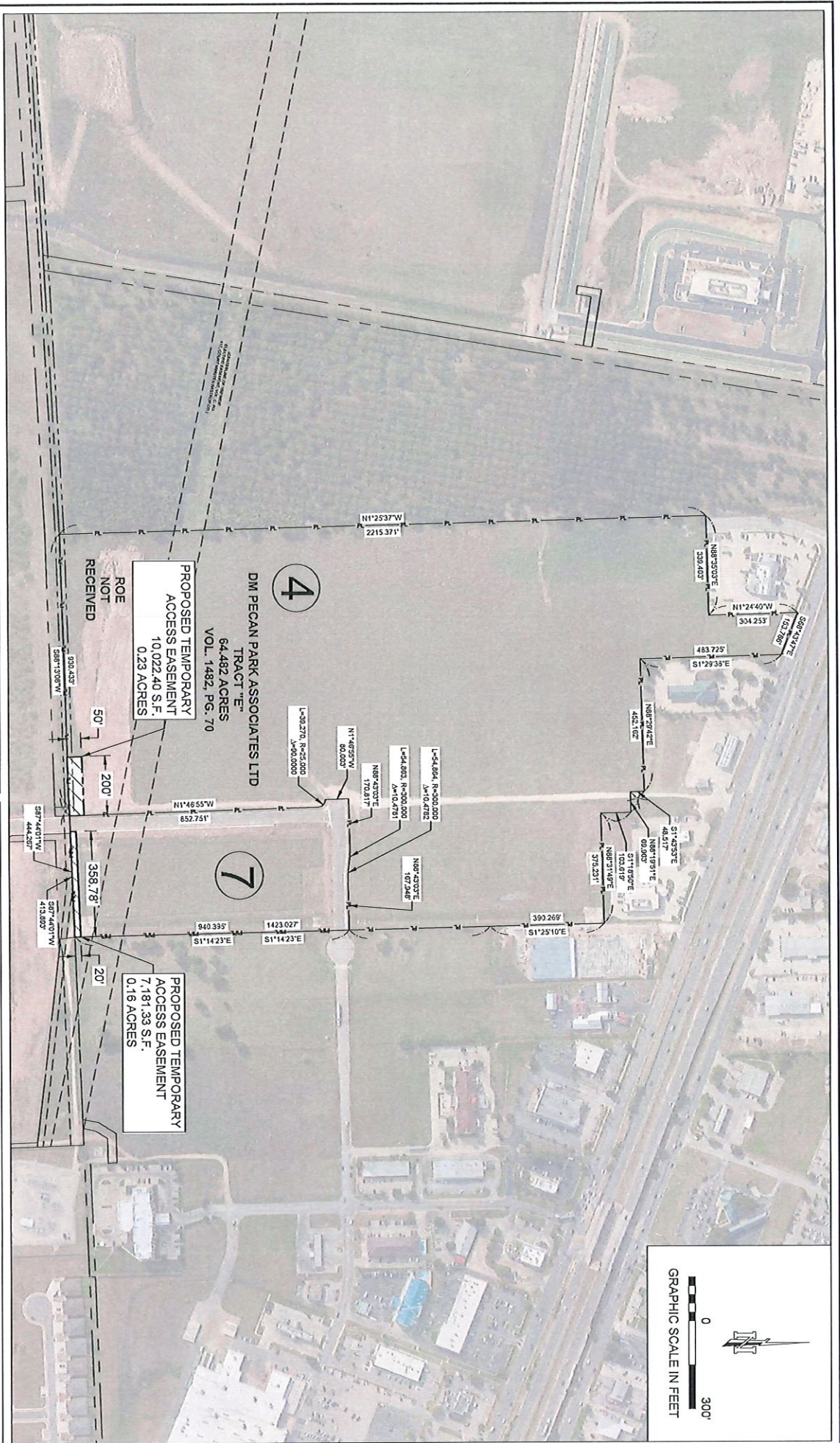
Alan Bojorquez, City Attorney

Rezzin Pullum, Assistant City Attorney

EXHIBIT A
EASEMENTS



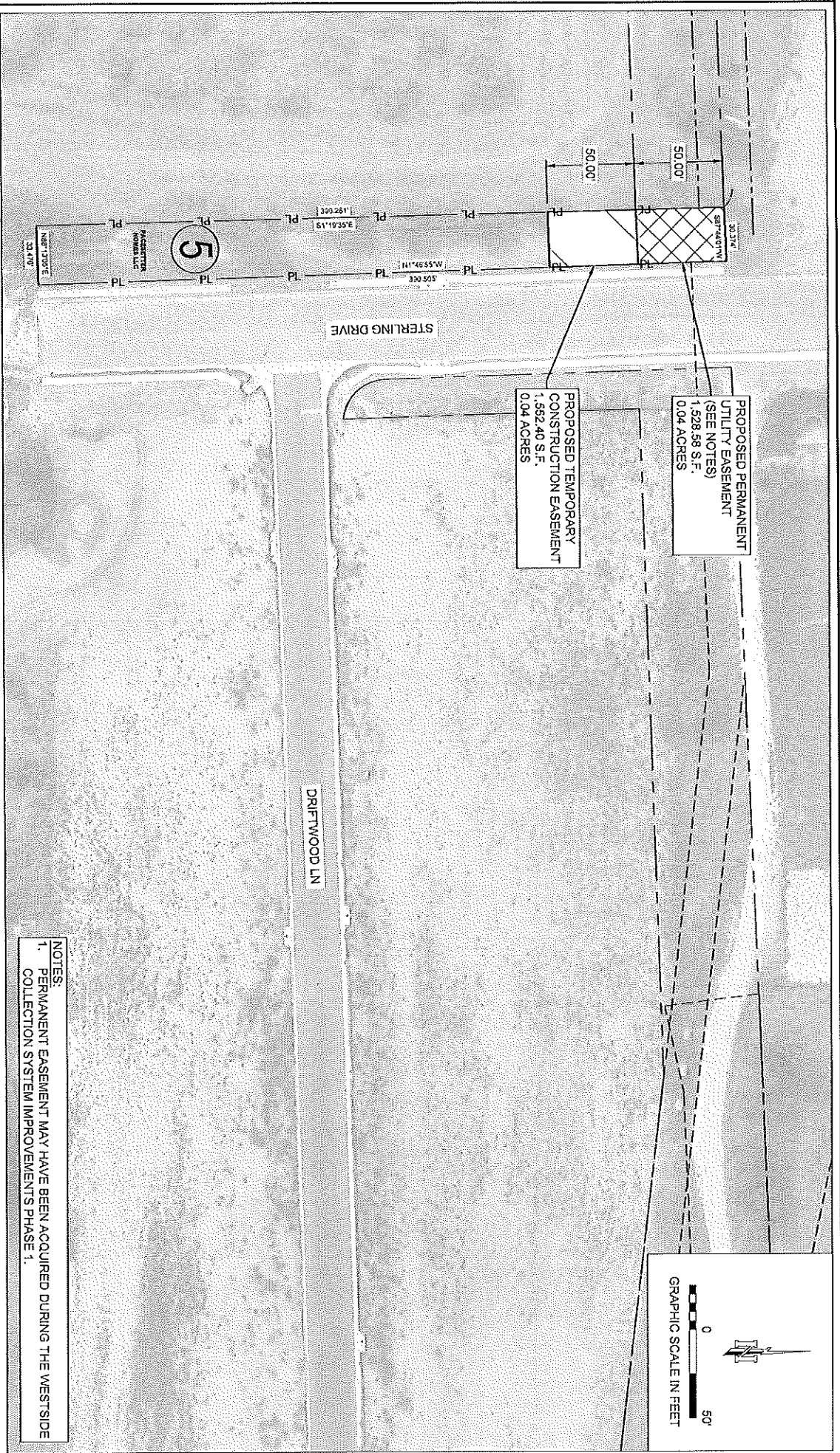
BASTROP, TEXAS

PROPERTY NO. 4 & 7 EXHIBIT



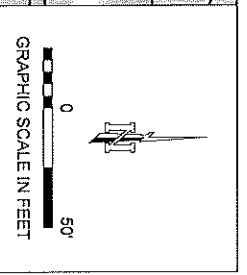
BASTROP, TEXAS

PROPERTY NO. 6 EXHIBIT



PROPOSED PERMANENT
 UTILITY EASEMENT
 (SEE NOTES)
 1,528.58 S.F.
 0.04 ACRES

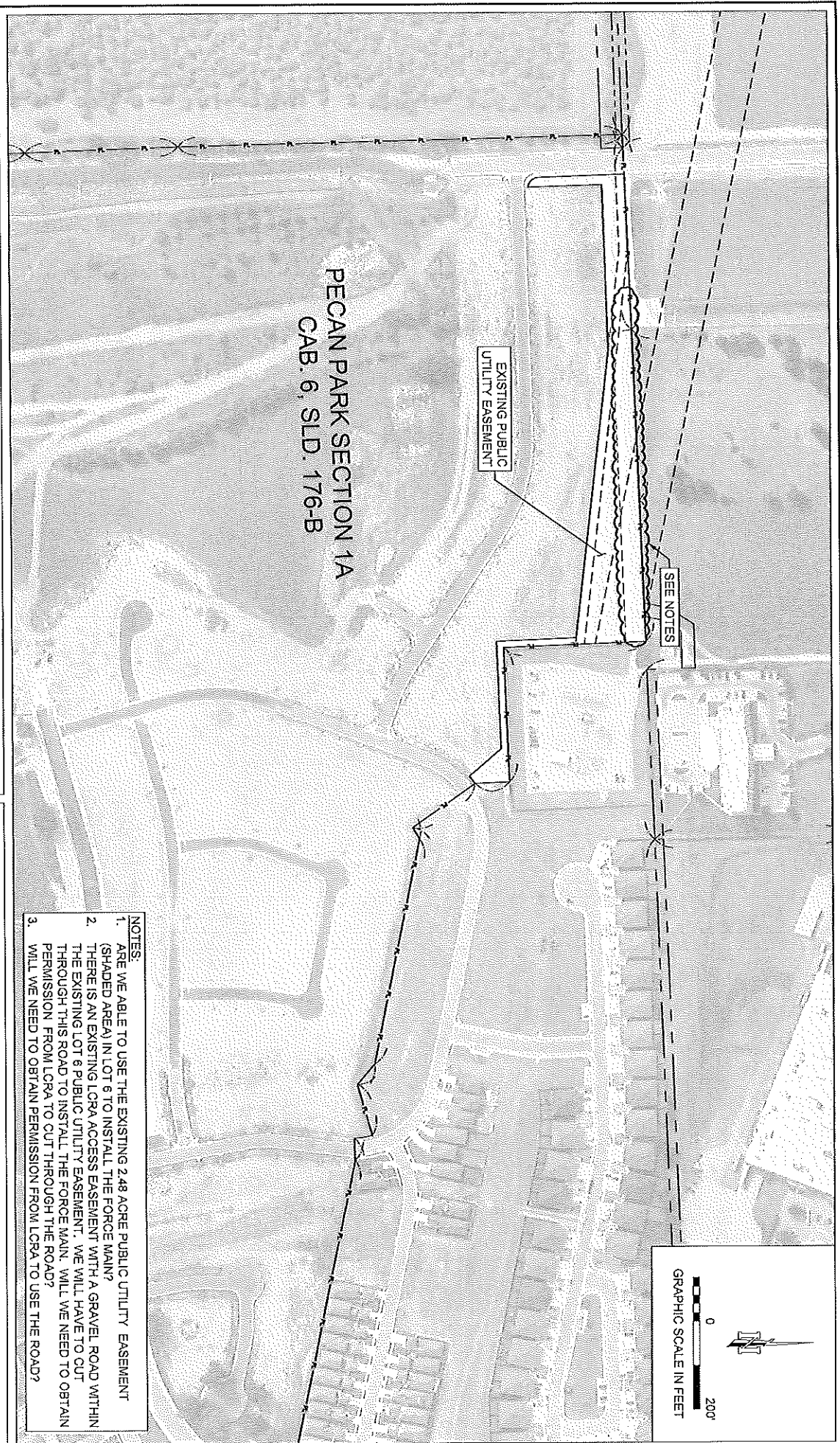
PROPOSED TEMPORARY
 CONSTRUCTION EASEMENT
 1,862.40 S.F.
 0.04 ACRES



NOTES:
 1. PERMANENT EASEMENT MAY HAVE BEEN ACQUIRED DURING THE WESTSIDE
 COLLECTION SYSTEM IMPROVEMENTS PHASE 1.

BASTROP, TEXAS

PROPERTY NO. 6 EXHIBIT

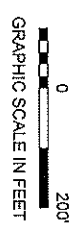


PECAN PARK SECTION 1A
 CAB. 6, SLD. 176-B

EXISTING PUBLIC
 UTILITY EASEMENT

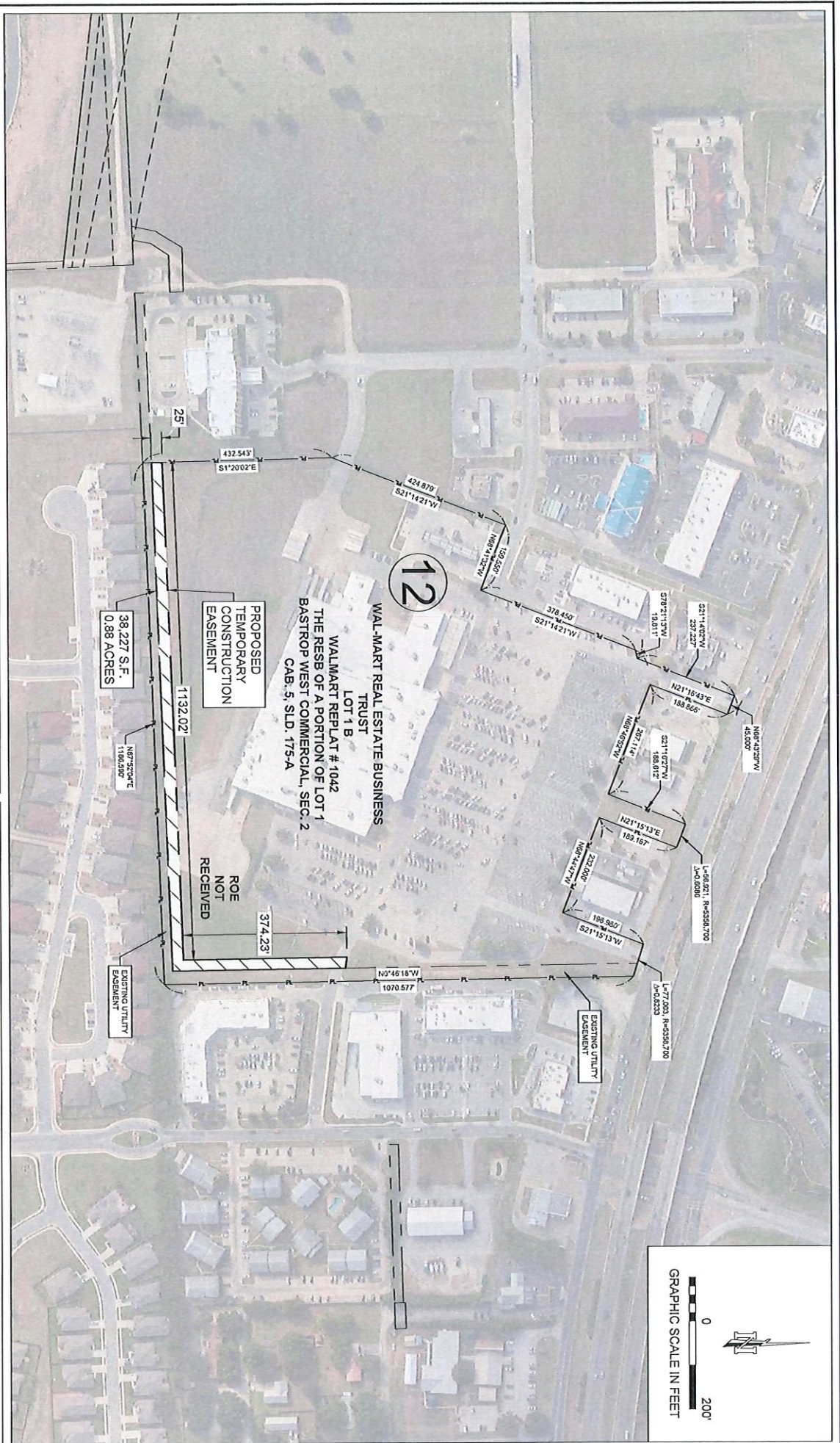
SEE NOTES

- NOTES:**
1. ARE WE ABLE TO USE THE EXISTING 2.48 ACRE PUBLIC UTILITY EASEMENT (SHADED AREA) IN LOT 6 TO INSTALL THE FORCE MAIN?
 2. THERE IS AN EXISTING LCRA ACCESS EASEMENT WITH A GRAVEL ROAD WITHIN THE EXISTING LOT & PUBLIC UTILITY EASEMENT. WE WILL HAVE TO CUT THROUGH THIS ROAD TO INSTALL THE FORCE MAIN. WILL WE NEED TO OBTAIN PERMISSION FROM LCRA TO CUT THROUGH THE ROAD?
 3. WILL WE NEED TO OBTAIN PERMISSION FROM LCRA TO USE THE ROAD?



BASTROP, TEXAS

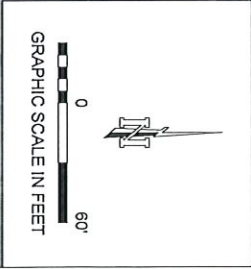
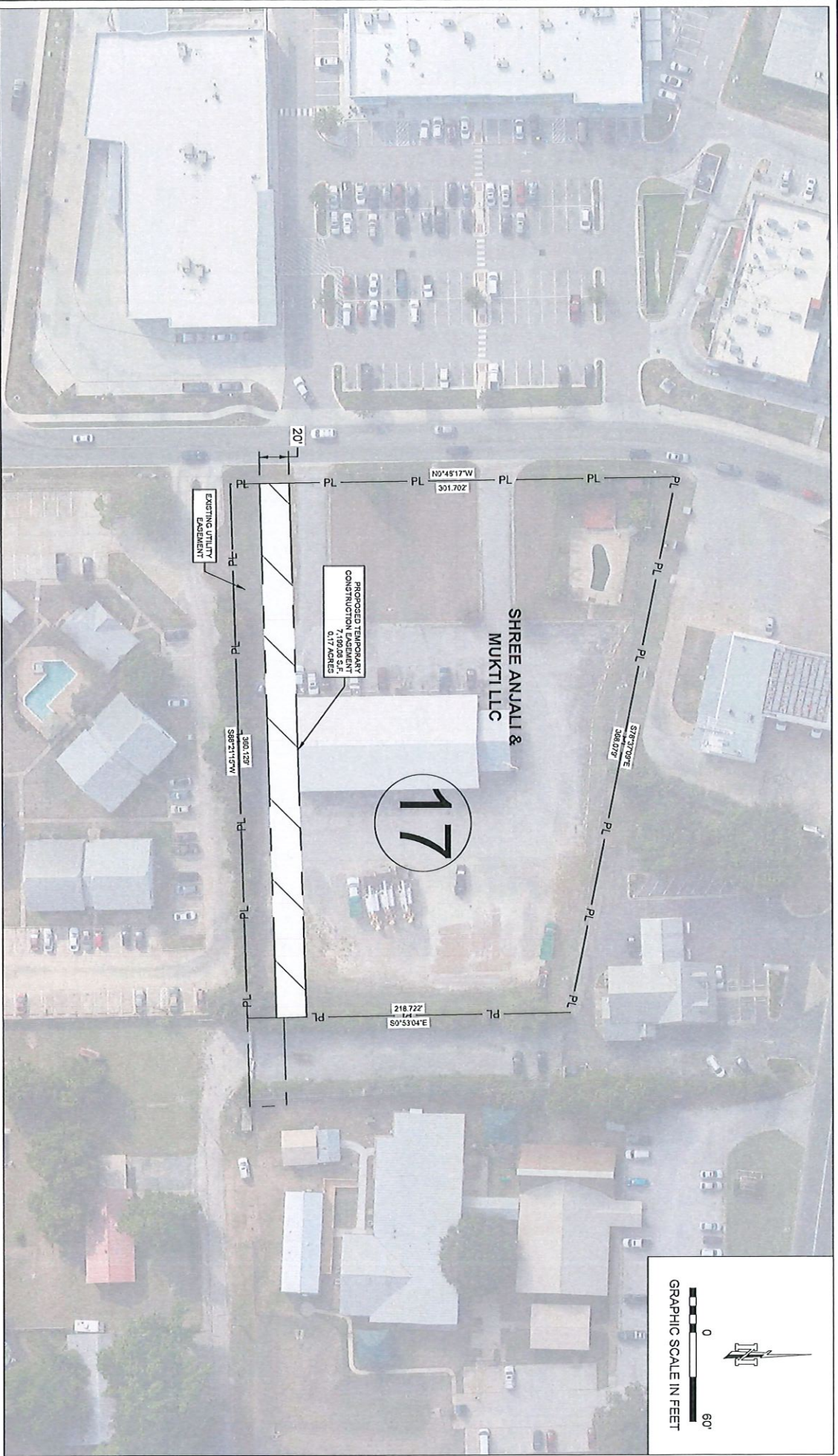
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BASTROP, TEXAS

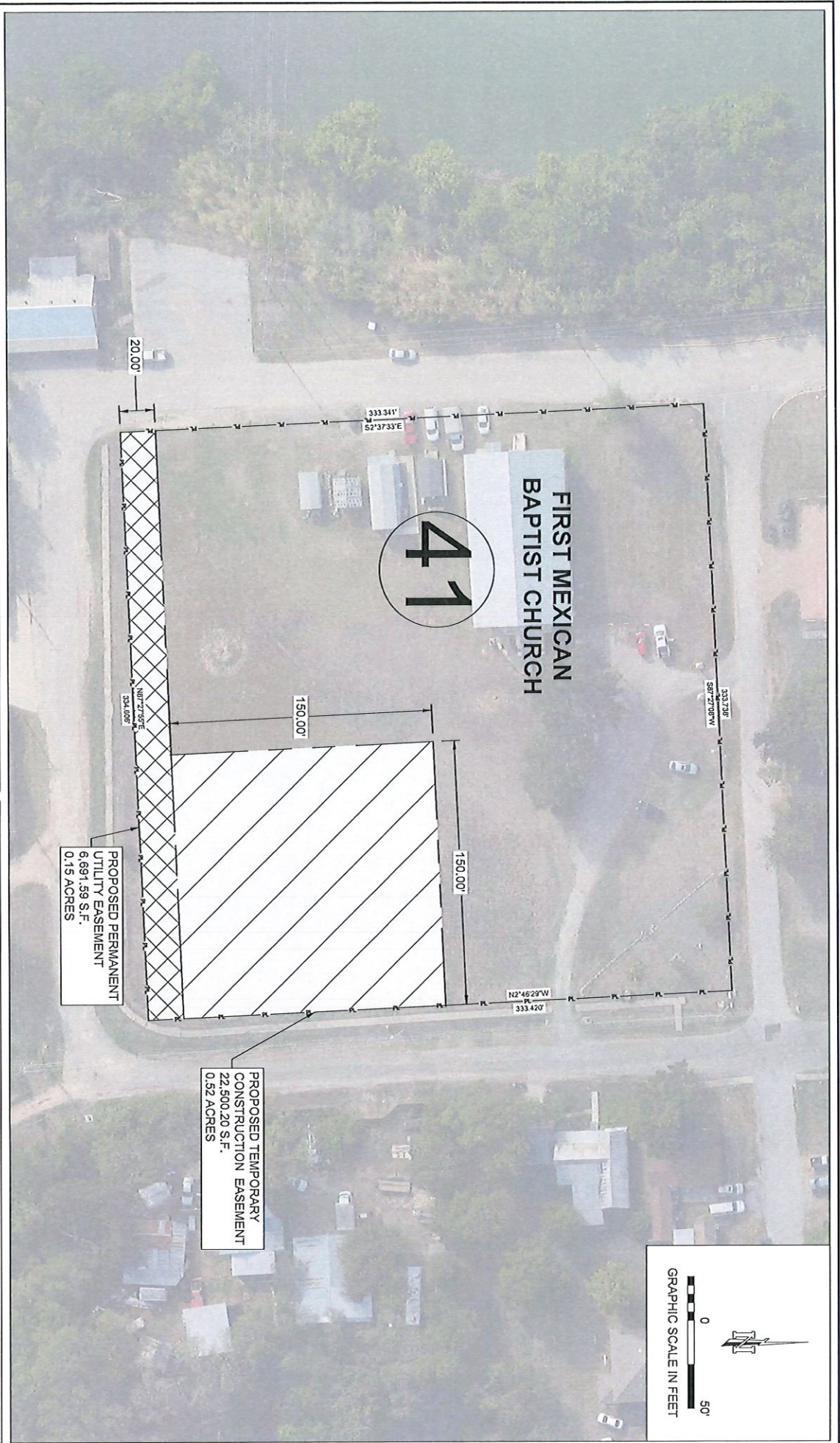
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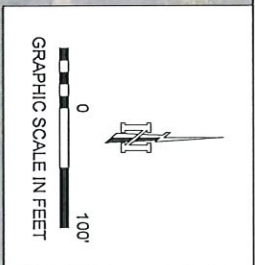
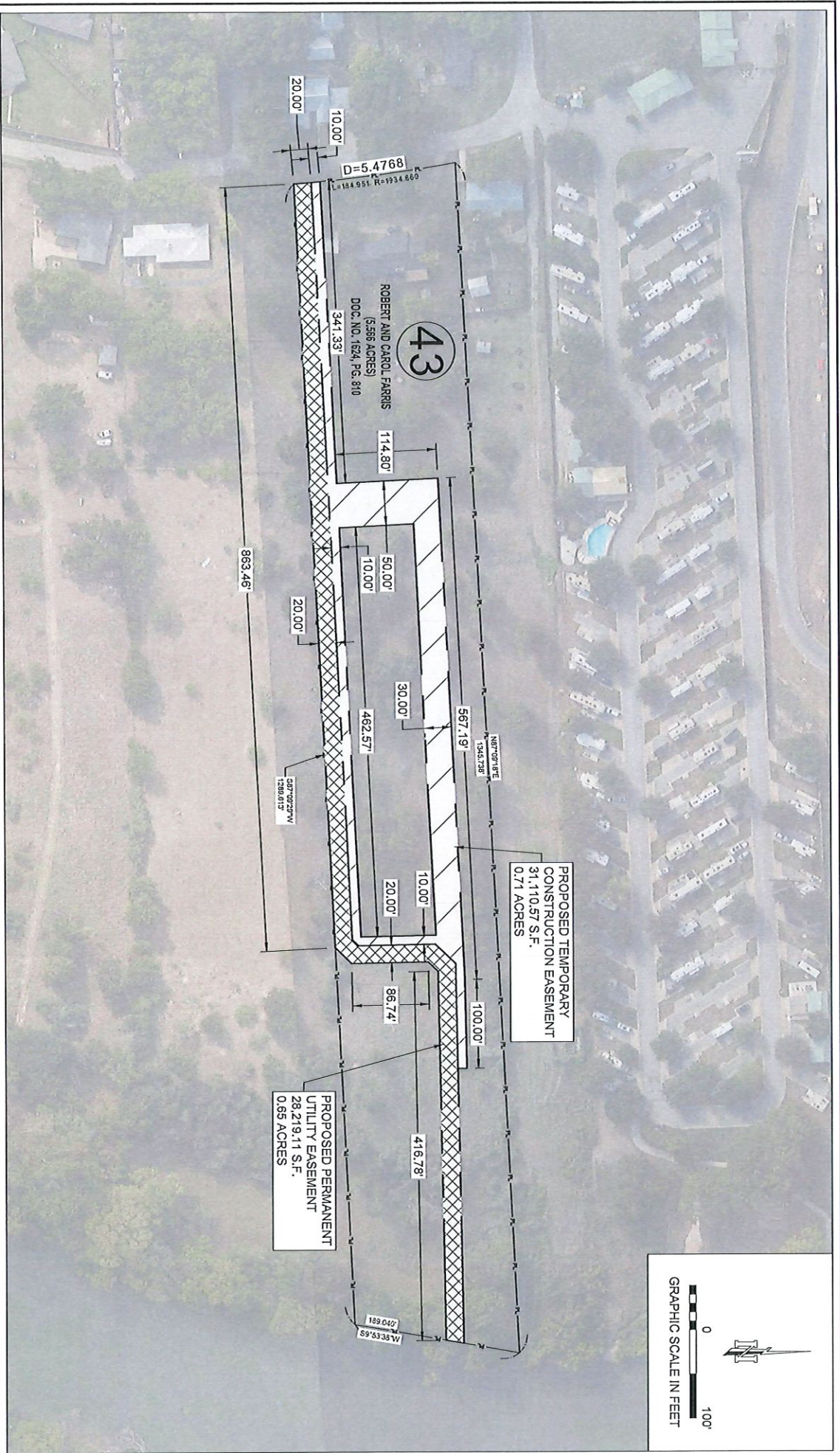
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BASTROP, TEXAS

PROPERTY NO. 43 EXHIBIT



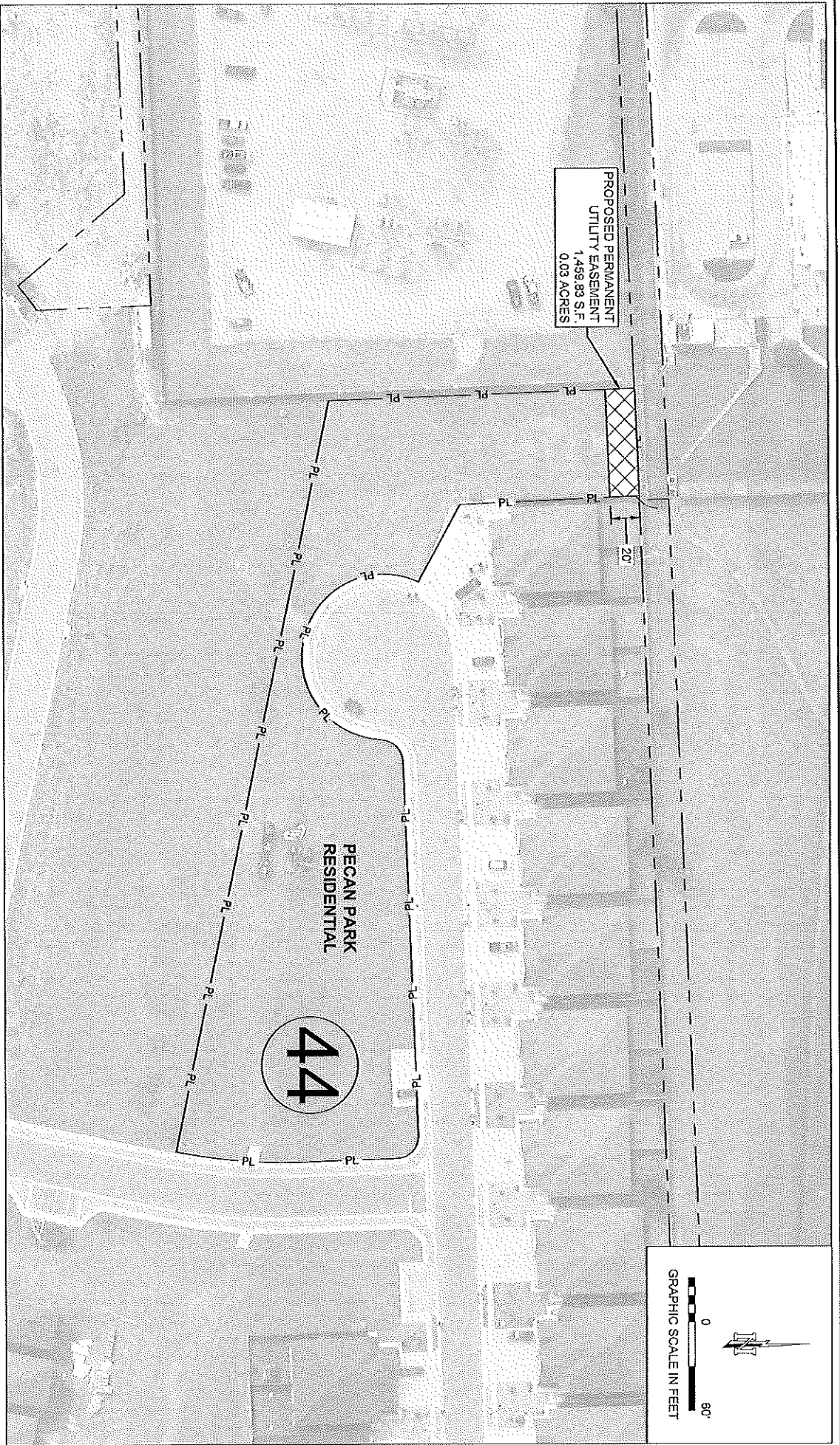




BASTROP, TEXAS

PROPERTY NO. 44 EXHIBIT

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PROPOSED PERMANENT
UTILITY EASEMENT
1,459.89 S.F.
0.03 ACRES

PECAN PARK
RESIDENTIAL

44

