

CITY OF BASTROP

RESOLUTION NO. R-2023-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF CERTAIN PROPERTY AND AUTHORIZING THE CITY'S ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE SAID PROPERTY INTERESTS:

OWNER(S): James C. Caouette, individual;

PROPERTY INTEREST(S) TO BE ACQUIRED: 0.403-acre public utility easement and a 0.252-acre temporary construction easement over, across, under, and through a 10.289-acre tract recorded in/under Document No. 202005646, Official Public Records of Bastrop County, Texas.

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 a water transmission line, and related facilities, and other necessary infrastructure, as part of the Simsboro Aquifer Water Treatment Plant, Wellfield, and Transmission Facilities Project ("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 a public utility easement of approximately **0.403-acres of land**, and a temporary construction easement of approximately **0.252-acres of land** located in Bastrop County, Texas, and more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein for all purposes, all such property described and depicted on Exhibit A being owned by **James C. Caouette**, and possibly other claimants as reflected in a title review ("Property"), for the public use of construction, reconstruction, maintaining, and operating of a water transmission line, and other necessary infrastructure as part of the Project, excluding all the oil, gas, and other minerals which can be removed from beneath said Property, without any right whatever remaining to the owner of such oil, gas, and other minerals of ingress to or egress from the surface of said Property for the purpose of exploring, developing, or mining of the same, as a part of the improvements to the Project, at such locations as are necessary and that such constructing, reconstructing, maintaining, and operating shall extend across and upon, and will cross, run through, and be upon the herein described real Property; and

WHEREAS, it is necessary to establish procedures for determining and approving just compensation and completing acquisition of the Property 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 water and wastewater utility system improvements, and related facilities, and to acquire property interests to assist with such purposes in and to the above-described Property, 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 Manager, or the City Manager's designated agent, has on behalf of the City attempted to negotiate, settle, and agree on compensation to be paid to the owners of any interest in the Property, and has made official, written, bona fide offers to the owners for the market value of said Property or property interest. If it is determined that an agreement as to the value of said Property, damages, and/or compensation to be paid cannot be reached, then the City Attorney or the City Attorney's designated agent is hereby authorized to file or cause to be filed, against the owners and holders of other related interest in the Property, proceedings using the City's power of eminent domain to acquire the stated interest in and to the above-described Property, in order to allow the City and/or its assigns to complete said Project, and to perform and undertake all other proceedings necessary to complete the acquisition of the Property.

SECTION 3: It is the intent of the City Council that this Resolution authorizes the condemnation 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, the City Attorney 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.

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.

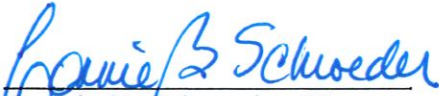
SECTION 5: This Resolution shall take effect upon passage and in accordance with the laws of the State of Texas.

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, Texas, this 28th day of March 2023.

APPROVED:



Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney