

RESOLUTION NO. 20-R-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN WATER PIPELINE EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS IN CONNECTION WITH THE CONSTRUCTION OF WATER PIPELINE(S) ACROSS, UPON, AND UNDER CERTAIN PRIVATELY OWNED REAL PROPERTIES IN GUADALUPE COUNTY AND BEXAR COUNTY, FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A WATER PIPELINE SYSTEM FOR A PUBLIC WATER SUPPLY

WHEREAS, pursuant to its powers of eminent domain as outlined in Sections 251.001 and 552.011 of the Texas Local Government Code and other pertinent statutory authority, the City of Schertz (“City”) has determined that the acquisition of certain water pipeline easements and temporary construction easements in connection therewith, over, across, upon and under certain properties in Guadalupe County and Bexar County, located as depicted on attached hereto as **Exhibit “A”** and incorporated herein by this reference, either by purchase or by proceedings in eminent domain, is necessary and for the public purpose of the construction, operation, and maintenance of a water pipeline system known as the **Schertz Additional Point Of Delivery Project (“Project”)** for a public water supply to address the ongoing and future water supply demands for the Cities of Schertz and Seguin and customers of Schertz/Seguin Local Government Corporation; and

WHEREAS, the City authorizes all appropriate actions by the city manager, staff, and retained attorneys, and engineering and technical consultants, for the purchase or the prosecution of condemnation proceedings to acquire any such needed easements and temporary construction easements and related rights of ingress and egress that cannot be acquired through negotiation; ratifying and affirming all acts and proceedings heretofore done or initiated by employees, agents, and attorneys to acquire such property interests; and authorizing all other lawful action including appraisals necessary and incidental to such acquisitions whether by purchase or through eminent domain proceedings; and

WHEREAS, in connection with the acquisition of such easement rights to certain properties, the City finds that it is necessary for employees, agents, representatives, contractors, or subcontractors of the City of Schertz to enter upon such properties to conduct both archeological and lineal surveys so that such easement rights may be defined and secured in a lawful manner whether such easement rights be acquired by purchase or through eminent domain proceedings; and

WHEREAS, employees, agents, contractors, subcontractors and attorneys acting for the City of Schertz are in the process of surveying, defining and negotiating for the acquisition of such easement rights on behalf of the City of Schertz and the Schertz/Seguin Local Government Corporation; and

WHEREAS, the City hereby finds that the acquisition of the parcels identified in **Exhibit “A”** are necessary for the completion of this very important public works project.

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

SECTION 1: Public necessity requires that the City of Schertz acquire certain water pipeline easements and temporary construction easements in connection therewith, over, across, upon and under certain privately owned real properties in Guadalupe County, Texas and Bexar County, Texas, located as depicted on **Exhibit “A”** attached hereto and incorporated herein by this reference for the public purpose of construction, operation, and maintenance of a water pipeline system to be constructed for a public water supply.

SECTION 2. Public necessity also requires that the City of Schertz acquire the rights of ingress and egress over and across such lands and adjacent lands either through purchase or through eminent domain and that the City of Schertz take all other lawful action necessary and incidental to such purchases or eminent domain proceedings including conducting lineal and archaeological surveys and appraisals as required to specify, define, and secure such easements according to existing law.

SECTION 3: The City Council hereby directs and authorizes the City Manager, staff, agents, and retained attorneys to institute and prosecute to conclusion all necessary proceedings to acquire all such property interests that the City of Schertz is unable to acquire through negotiation, and to take any other legal action necessary and incidental to such purchases or eminent domain proceedings to define, specify, and secure such property interests.

SECTION 4: All acts and proceedings done or initiated by the employees, agents, and attorneys of the City of Schertz for the acquisition of such property are hereby authorized, ratified, approved, confirmed, and validated and declared to be valid in all respects as of the respective dates thereof with and in regard to the grantors from whom such rights have been or are being acquired.

SECTION 5: The City Council hereby finds that the vote authorizing the adoption of this Resolution and the acquisition of property as specified herein was taken in a public meeting by a record vote and moving that this Resolution applies to all units of property to be purchased or by eminent domain for the purposes and public uses set forth herein.

SECTION 6: If any provisions, sections, subsections, sentences, clauses or phrase of this Resolution, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Resolution shall not be affected thereby, it being the intent of the City Council of the City of Schertz, Texas in adopting this Resolution that no portion thereof, or provisions or regulation contained herein shall become inoperative or fail by reason of any

unconstitutionality or invalidity of any other portion hereof and all provisions of this Resolution are declared to be severable for that purpose.

PASSED AND APPROVED on this 7th day of January 2020.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary