

RESOLUTION NO. 23-R-34

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, AUTHORIZING THE ACQUISITION OF PERMANENT AND TEMPORARY EASEMENTS NECESSARY FOR THE COMPLETION OF PIPELINES AND APPURTENANCES RELATED TO LIVE OAK TO THE IH 35 WATER STORAGE TANK DEDICATED TRANSMISSION MAIN AND HIKE AND BIKE TRAIL EASEMENTS GENERALLY ALONG THE SAME ALIGNMENT.

WHEREAS, the proposed Dedicated Transmission Main must be installed in new permanent easements which will be acquired from property owners and held by the City; and

WHEREAS, the proposed easements which will be held by the City will be located in a manner to minimize impacts on the properties; and

WHEREAS, to facilitate the construction of the pipeline improvements, temporary construction easements will also be obtained adjacent to the permanent easements to provide adequate space for construction activities; and

WHEREAS, to protect the health, safety, and welfare of the citizens of the City of Schertz, this Dedicated Transmission Main project serves the public purpose of construction of water mains and appurtenances necessary to convey water from the East Live Oak tank to the IH-35 tank; and

WHEREAS, the 2017 Transportation Plan Trails Network maps shows a future hike and bike trail, generally along the alignment of the waterline; and

WHEREAS, the City Council finds it in the best interest of the City to grant the authority to negotiate and acquire all necessary easements and land from the property owners along the Dedicated Transmission Main alignment and future hike and bike trail.

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

Section 1. The City Council of the City of Schertz, Texas, hereby authorizes the Staff of the City of Schertz, Texas, to negotiate and acquire all necessary easements from property owners as generally shown on Exhibit A.

Section 2. The City Manager is authorized to execute any and all documents necessary to complete the acquisition of all needed easements contemplated herein.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 4. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the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 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 4th day of April 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)