

**RESOLUTION NO. CSO#5740-02-2025**

**A RESOLUTION OF THE CITY OF BURLESON, TEXAS AUTHORIZING THE COMMENCEMENT OF NEGOTIATIONS AND, IF NECESSARY, THE FILING OF EMINENT DOMAIN PROCEEDINGS FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR USE BY THE CITY FOR THE CONSTRUCTION AND MAINTENANCE OF A WATER LINE AS PART OF THE WILLOW CREEK 12-INCH WATER LINE PROJECT TO SERVE EXISTING AND NEW DEVELOPMENT IN THE CITY AND FOR OTHER PUBLIC PURPOSES PERMITTED BY LAW.**

**WHEREAS**, the City of Burleson, Texas, (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City is in the process of constructing and maintaining a 12-inch water line as part of the Willow Creek 12-Inch Water Line Project (the “Project”) to serve existing and new development in the City; and

**WHEREAS**, in order to complete construction of the Project, it is necessary for the City to acquire certain easements from the property owners who own land across which the Project will be located; and

**WHEREAS**, the City and the owner of the following property have been unable to reach an agreement on the acquisition of the following needed easement:

a 0.091 acre (3,961 square feet) permanent water line easement (**Exhibit A**) on property located at 391 Clubhouse Drive, Joshua, Texas; and

**WHEREAS**, the City Council finds and determines that the acquisition of the above easement for the Project is necessary and constitutes a public use for a public purpose; and

**WHEREAS**, the City Council now deems it necessary to authorize the law firm of Taylor, Olson, Adkins, Sralla & Elam, L.L.P. (the “City Attorney”) to initiate condemnation proceedings in order to acquire the necessary easement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS:**

**SECTION 1.**

The City Council of the City hereby finds and determines that the recitals made in the preamble of this Resolution are true and correct, and incorporates such recitals herein.

## **SECTION 2.**

The City Council hereby finds and determines that a public necessity exists for the Project and that the acquisition of the above-referenced easement, which is more fully described in **Exhibit A**, (the “Easement”) which exhibit is incorporated into this Resolution for all purposes, is necessary for the Project.

## **SECTION 3.**

The City Attorney is hereby authorized and directed to bring condemnation proceedings against the Owner, and any and all other parties having an interest in the underlying properties, for the purpose of acquiring the Easements through the exercise of the City’s power of eminent domain, given that that the following conditions have already been met:

- (a) The City will obtain ownership information and a legal description for each parcel to be acquired;
- (b) If the Owner and/or other parties are located through the exercise of due diligence, the City Manager, or his designated representative, will:
  - (1) Make an initial offer to the Owner and/or other parties for the purchase of the above referenced easements;
  - (2) Make a final offer to the Owner and/or other parties for the purchase of the above referenced easements;
  - (3) When the final offer to purchase is made, the City Manager or his representative will disclose to the Owner, and/or other parties, all existing appraisal reports or value studies produced or acquired by the City relating to the Owner’s or parties’ property and used by the City in determining the amount of the final offer; and
  - (4) If the Owner and/or other parties fail or refuse to accept the City’s final offer, the City Manager may direct the City Attorney to file eminent domain proceedings.
- (c) When the Owner and/or any other parties cannot be located through the exercise of due diligence, the City Attorney may skip the actions described in paragraph (b) and may file eminent domain proceedings against such Owner and/or other parties, and shall cite such Owner and/or other parties, who cannot be located, by publication in the manner authorized by law.
- (d) The City Council hereby authorizes the City Manager to make initial and final offers to the Owner of such property in such amount as the City Manager determines to be just compensation for conveyance to the City of Burleson of the

above referenced easements, based upon appraisals or valuation information available to the City Manager.

**SECTION 4.**

Should the Owner and/or other parties not be able to be located through the exercise of due diligence, the City Attorney may skip the actions described in paragraph (b) and may file eminent domain proceedings against such Owner and/or other parties and shall cite such Owners and/or other parties, who cannot be located, by publication in the manner authorized by law.

**SECTION 5.**

The City Council hereby finds and determines that the Easement is needed so that the City can construct and maintain the Project, which is a public purpose and is necessary to serve the public health, safety, and welfare.

**SECTION 6.**

This Resolution shall become effective immediately upon its passage, and it is so Resolved.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Chris Fletcher, Mayor

**ATTEST:**

\_\_\_\_\_  
Amanda Campos, City Secretary

# EXHIBIT A

