

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTROVILLE, TEXAS, AUTHORIZING CERTAIN ACTIONS INCLUDING PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE CERTAIN PROPERTY TO BE USED FOR CITY RIGHT-OF-WAY FROM HWY 90 CASTROVILLE PARTNERS, LTD.; FINDING SUCH ACQUISITION TO BE NECESSARY FOR THE PUBLIC USE OF STREET RIGHT-OF-WAY; DIRECTING THE CITY ADMINISTRATOR OR THE CITY ADMINISTRATOR'S DESIGNEE TO OBTAIN ALL NECESSARY SURVEYS AND APPRAISALS AND TO EXECUTE ALL DOCUMENTS REQUIRED TO INSTITUTE EMINENT DOMAIN PROCEEDINGS; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS.**

**WHEREAS**, pursuant to Chapter 251, Texas Local Gov't Code, the City of Castroville, Texas, as a Type A general-law in the State of Texas (sometimes the "City") has the authority to exercise the power of eminent domain in order to acquire real property found necessary for a public use; and

**WHEREAS**, the City Council finds it necessary to acquire certain real property for a public use, the property of which consists of a 6.646-acre tract of land out of 228.59 acres of land, more or less, situated in the L. M. Collard Survey No. 97, Abstract No. 1259, City of Castroville, Medina County, Texas (the 6.646-acre tract of land hereafter referred to as the "Property," and the 228.59-acre tract of land hereafter as the "Parent Tract"); and

**WHEREAS**, the City finds that public necessity requires the City to acquire the Property from the owner, HWY 90 Castroville Partners, LTD., for the public purpose of installing a thoroughfare for the connection of Highway 90 to Highway 471 (the "Project"); and

**WHEREAS**, the public purpose of the Project is to provide a reliever route to improve traffic management and circulation, in order to accommodate population growth and the increased traffic expected from current and future residential and commercial development in the area, and to enable the City to acquire the Property in fee, together with ingress and egress rights over and across the Parent Tract, by purchase or through eminent domain pursuant to the City's power of eminent domain; and

**WHEREAS** eminent domain proceedings in the State of Texas are governed by Chapter 21 of the Texas Property Code; and

**WHEREAS**, under Chapter 21 of the Texas Property Code, a governmental entity exercising the power of eminent domain must first authorize the initiation of the condemnation proceeding at a public meeting by a record vote adopting a resolution, ordinance, or order; and

**WHEREAS**, the City of Castroville City Council finds that the City has, through agents and representatives, engaged in bona fide good faith negotiations with HWY 90 Castroville Partners, LTD. or its agents or representatives, to acquire the Property, and has failed to finalize or reach agreement regarding the purchase price or damages; and

**WHEREAS**, as a result of the failure to reach agreement with HWY 90 Castroville Partners, LTD. regarding the purchase price or damages for the Property, the City Council finds it necessary to authorize the initiation of the condemnation proceeding at a public meeting by a record vote by adopting this resolution; and

**WHEREAS**, the City Council finds that a public necessity exists and that acquiring the property referenced herein is necessary to accomplish the above-described public purpose and public use.

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

**SECTION 1.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council of the City of Castroville, Texas and made a part hereof for all purposes as findings of fact.

**SECTION 2.** That public necessity requires that the City of Castroville, Texas acquire the Property, consisting of 6.646 acres, along with the right of access to the Property in connection therewith, over, across, upon and under the Parent Tract, to wit:

<u>Landowner</u>	<u>County</u>	<u>Survey</u>	<u>Abstract</u>	<u>Acres Owned (Parent Tract)</u>	<u>Property Subject to Condemnation</u>	<u>Exhibit</u>
HWY 90 Castroville Partners, LTD.	Medina	L. M. Collard Survey 97	A1259	Being a portion of that tract described as 228.59 acres	6.646 acres  Access across the Parent Tract only to the extent necessary to access the Property to realize the Project	A

As more fully described in **Exhibit “A”** attached hereto and made a part hereof for all purposes, from said landowner or other persons who are determined to be the owners of the Property, for the public purpose of installing a thoroughfare for the connection of Highway 90 to Highway 471, as a reliever route to accommodate the current and future residential and commercial development and population growth the area has experienced which is expected to continue well into the foreseeable future, and the rights of ingress and egress over and across the Parent Tract to access the Property, either through purchase or by the process of eminent domain, and that the City take all other lawful action necessary and incidental to such purchases or eminent domain proceedings.

**SECTION 3:** It is hereby determined that representatives of the City of Castroville, Texas have been unable to reach a finalized agreement or the final value of such property interests or the damages to

be paid, if any, with HWY 90 Castroville Partners, LTD., and further settlement negotiations, at this stage, between representatives of both parties have become futile.

**SECTION 4.** The City Council of the City of Castroville, Texas hereby authorizes, approves, and directs the City Administrator or the City Administrator's Designee, on behalf of the City, to condemn the property interests in the Property described above and to sign and execute all necessary documents to institute eminent domain proceedings for the acquisition of the Property described above and in **Exhibit "A"** herein.

**SECTION 5.** The City of Castroville City Council authorizes and directs the City Attorney, on behalf of the City, to initiate condemnation proceedings and such other actions as are necessary to acquire the property interest in the Property described above and in **Exhibit "A"** herein, by the exercise of the power of eminent domain.

**SECTION 6:** All acts and proceedings done or initiated by the employees, agents, and attorneys of the City of Castroville, Texas for the acquisition of such property is 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 grantor from whom such rights have been or are being acquired.

**SECTION 7.** 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 8:** If any provisions, sections, subsections, sentences, clauses or phrases 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 Castroville, 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.

**SECTION 9:** All ordinances and 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 ordained herein.

**SECTION 10:** 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, as amended, Texas Government Code, and that the vote authorizing the adoption of this Resolution and the use of eminent domain power as specified herein was taken in a public meeting by record vote.

**SECTION 11.** This Resolution shall become effective immediately upon its passage.

<b><u>Council Member</u></b>	<b><u>In Favor</u></b>	<b><u>Opposed</u></b>
Mayor Bruce Alexander	_____	_____
Council Member Sheena Martinez	_____	_____
Council Member Houston Marchman	_____	_____
Council Member Phil King	_____	_____
Council Member David Merz	_____	_____
Council Member Robert Lee	_____	_____

**PASSED AND APPROVED** on this \_\_\_\_ day of November 2025.

\_\_\_\_\_  
Bruce Alexander, Mayor  
City of Castroville, Texas

ATTEST:

\_\_\_\_\_  
Debra Howe, City Secretary

# EXHIBIT A

