

CITY OF DRIPPING SPRINGS

RESOLUTION No. 2022-R___

A RESOLUTION OF THE CITY OF DRIPPING SPRINGS, TEXAS, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF CERTAIN PROPERTY FOR THE SOUTH REGIONAL WATER RECLAMATION PROJECT AND AUTHORIZING THE CITY'S ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE SAID PROPERTY INTERESTS

OWNER(S): Patrick J. Zielbauer and Jenna Kolle Zielbauer

PROPERTY INTEREST TO BE ACQUIRED: BEING A 0.41 ACRE, 30 FOOT WIDE WASTEWATER EASEMENT, SITUATED IN THE THOMAS R. JACKSON SURVEY NO. 25, ABSTRACT NO. 9, HAYS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 10.03 ACRE TRACT, DESCRIBED IN A DEED TO PATRICK J. ZIELBAUER AND JENNA KOLLE ZIELBAUER, AND RECORDED IN DOCUMENT NO. 20048995, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.)

WHEREAS, the City Council, upon consideration of the matter, has determined that there is a public necessity for the welfare of the City of Dripping Springs, Texas ("City") and the public-at-large to construct certain wastewater collection facilities and make utility improvements to the wastewater utility system and to perform associated public uses and purposes as a part of the South Regional Water Reclamation Project; and

WHEREAS, in accordance with the above, the City Council hereby finds that public necessity requires the acquisition of fee simple title to approximately 0.41 acres of land, located in Hays County, Texas and more particularly described by metes and bounds and on the survey plat to accompany the parcel description in Exhibit "A" attached hereto and incorporated herein for all purposes; and

WHEREAS, all such property described and depicted on Exhibit A being owned by Patrick J. Zielbauer and Jenna Kolle Zielbauer ("Property") for the public use of construction, reconstruction, maintaining, and operating of wastewater utility system improvements and related facilities as a part of the South Regional Water Reclamation Project ("Project"), excluding all the groundwater, oil, gas, and other minerals which can be removed from beneath said Property, without any right whatever remaining to the owner of such groundwater, 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 the acquisition of the Property for this Project.

WHEREAS, it is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS:

Section 1. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. The City Council hereby finds and determines that it is necessary for the welfare of the City and its citizens to construct and maintain a wastewater utility system in the City, 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 3: The Mayor, or their 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 4: 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 5: 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.

Section 6: This Resolution shall take effect immediately from and after its passage in accordance with law and it is accordingly so resolved.

PASSED AND APPROVED this, the _____ day of _____ 2022, by a vote of _____ (eyes) to _____ (nays) to _____ (abstentions) of the City Council of Dripping Springs, Texas:

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary