

## **A RESOLUTION**

**OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, AUTHORIZING AN EASEMENT ACQUISITION REIMBURSEMENT AGREEMENT FOR THE ACQUISITION OF PERMANENT PIPELINE EASEMENTS AND CERTAIN PROPERTY RIGHTS NECESSARY FOR THE FOR THE CONSTRUCTION, ENLARGEMENT AND MAINTENANCE OF PIPELINES AND APPURTENANCES DESIGNED TO CARRY WATER AND WASTEWATER; AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY**

**WHEREAS**, the City of Fair Oaks Ranch, Texas (the "City") has found and determined that public necessity requires the City to acquire certain water and wastewater pipeline easements and temporary workspace easements in connection therewith in Bexar County, Texas from landowners for a Water and Wastewater Lines Extension Project ("Project"); and,

**WHEREAS**, the City has authorized the City Manager or his designee to negotiate the purchase of the easement properties listed herein with the landowners, and if unsuccessful in purchasing the needed property interests, institute condemnation proceedings, to acquire the easement properties; and,

**WHEREAS**, the Urbanist, Inc. ("Developer") is responsible for the extension of off-site public utilities necessary to service their proposed development on adjacent property and had been unable to acquire the easements required for said extension; and,

**WHEREAS**, the City has determined a public need to acquire property rights to certain real property and improvements for the purpose of constructing, enlarging, and maintaining water and wastewater pipelines to address the ongoing water and wastewater needs of the City and in order to convey wastewater to a treatment facility; and

**WHEREAS**, Developer has agreed to reimburse the City for the City's costs to acquire all off-site easements needed for the extension of public utilities to Developer's proposed development site; and

**WHEREAS**, the City Council further finds that entering into an Easement Acquisition Reimbursement Agreement is necessary to accomplish the above described public purpose and public use.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FAIR OAKS RANCH, 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 Fair Oaks Ranch, Texas and made a part of this Resolution for all purposes as findings of fact.
- SECTION 2.** The City Council hereby authorizes the City Manager to execute the Easement Acquisition Reimbursement Agreement attached hereto as **"Exhibit A"**.
- 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 become effective immediately upon its passage.

**PASSED and APPROVED on this 5th day of January, 2023.**

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Gregory C. Maxton, Mayor

ATTEST:

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Christina Picioccio, TRMC, City Secretary

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Denton Navarro Rocha Bernal & Zech, P.C.,  
City Attorney