RESOLUTION NO. R100826-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS, AUTHORIZING CERTAIN ACTIONS INCLUDING PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE A DRAINAGE EASEMENT, DRAINAGE AREA, AND TEMPORARY CONSTRUCTION EASEMENT, DIRECTING THE CITY ADMINISTRATOR OR THE CITY ADMINISTRATOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS; AND DIRECTING THE CITY'S ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS.

WHEREAS, the City of La Vernia, Texas (the "City") has found and determined that public necessity requires the City to obtain property for the construction of a 25-foot-wide concrete drainage easement as part of a larger drainage improvement project ("Project"); and

WHEREAS, the public purpose of the Easement shall be used for drainage and related appurtenances, and to provide access for the operation, repair, maintenance, replacement and expansion of facilities, if any, and it is necessary for the City to acquire such Drainage Easement and Temporary Construction Easement by purchase or eminent domain proceedings pursuant to its power of eminent domain as outlined in Section 251.001 and 552.011 of the Texas Local Government Code, as amended, and other pertinent statutory authority; 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 La Vernia City Council finds that the City has, through agents and representatives, entered bona fide good faith negotiations with the landowner or their agents or representatives of the hereinafter described property and has failed to agree with the landowner and/or their agents or representatives for the purchase price and damages, if any, due to said landowner. Now, therefore, the City is authorizing the use of its power of eminent domain to condemn property; and

WHEREAS, the City Council further 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 LA VERNIA, 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 La Vernia, Texas and made a part hereof for all purposes as findings of fact.

SECTION 2. Public necessity requires that the City of La Vernia, Texas acquire rights in the property in connection therewith, over, across, upon and under certain real property, hereinafter called the "Property", in Wilson County, Texas, to wit:

Parcel Number	Landowner	County	Survey	Abstract	Acres Owned	Property Subject to Condemnation	Exhibit
1	Cadillac Alliance Properties, LLC.	Wilson	Juan Delgado Survey No. 8	8	Being a 25'Drainage Easement out of that certain 1.37-acre tract.	0.19-acre Drainage Easement 0.17-acre Remaining Drainage Area 0.27-acre Temporary Construction Easement	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 the construction of a 25-foot-wide concrete drainage easement as part of a larger drainage improvement project including placement, construction, and related appurtenances and to provide access for the operation, repair, maintenance, replacement and expansion of facilities, if any, in order to accommodate proper water drainage for the area which requires that the City acquire these easements 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 the City of La Vernia, Texas, and the owner(s) of such property interests have been unable to agree and cannot agree upon the value of such property interests or the damages to be paid, if any, and further settlement negotiations have become futile.

SECTION 4. The City Council of the City of La Vernia, Texas hereby authorizes 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 La Vernia City Council authorizes and directs the City's 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 La Vernia, 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's 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 La Vernia, 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.

Council Member	**In Favor**	**Opposed**
Mayor Gary Gilbert	_____	_____
Council Member Dianell Recker (Pro Tem)	_____	_____
Council Member Garrett Rabel	_____	_____
Council Member Chelsey Ingle	_____	_____
Council Member Katie Evans	_____	_____
Council Member Justin Oates	_____	_____

PASSED AND APPROVED on this _____ day of October 2026.

Gary Gilbert, Mayor
City of La Vernia, Texas

ATTEST:

Madison Farrow, City Secretary