



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: May 3, 2023
PREPARED BY: Paige Saenz
DEPARTMENT: City Attorney

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a Resolution Finding Public Convenience and Necessity And Authorizing The Use of Eminent Domain To Condemn If Necessary a 11,133 Square Foot Wastewater Easement and a 12,170 Square Foot Temporary Construction Easement (both as described in Exhibit “x3”) from that 19.000 Acre Tract conveyed by Warranty Deed to Benny Paul Mark Gundy and recorded at Document Number 2009017772 Of The Official Public Records of Travis County, Texas, For The Public Use And Purpose of Construction Of A Wastewater Line

BACKGROUND/SUMMARY:

The City is engaging in efforts to acquire easements for the construction of a wastewater line for the Cottonwood Creek West Tributary Wastewater Line project. The deadline for responding to the City’s final offer to purchase the easement has expired without the parties reaching an agreement. Therefore, the next step is for the City Council to authorize condemnation of the land.

The Resolution must be approved using specific motion language, stated below, and a roll call vote must be taken.

LEGAL REVIEW: Completed
FISCAL IMPACT: Legal costs related to completing condemnation proceedings, which generally range from between \$7,500 to \$10,000 depending on the issues encountered, and the ultimately purchase price for the easement.
PRESENTATION: No
ATTACHMENTS: Yes

- Resolution No. 2023-16
- Exhibit A Parcel 11 PCN

LEGAL RECOMMENDATION:

It is the City legal’s recommendation that the City Council approve Resolution No. 2023-16 as follows:

"I move that the City of Manor authorize the use of the power of eminent domain to acquire both a permanent wastewater easement of 11,133 square feet and a temporary construction easement of 12,170 square feet from the property owned by Benny Paul Mark Gundy and described in Agenda Item (x3) for the public use of constructing and operating wastewater lines and infrastructure improvements."

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**