

RESOLUTION NO. 2024-12
Manor FM 973 and US 290 Water Line Project
Parcel 4 (Plata Holdings, LLC)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS FINDING PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, FOR ACQUISITION OF A PERMANENT WATER LINE EASEMENT OVER A 10,540 SQUARE FOOT PARCEL OF LAND AND A TEMPORARY CONSTRUCTION EASEMENT OVER A 10,500 SQUARE FOOT PARCEL OF LAND, BOTH PARCELS BEING SITUATED IN THE GREEN BERRY GATES SURVEY, ABSTRACT NO. 315, IN TRAVIS COUNTY, TEXAS, AND BOTH PARCELS ALSO BEING OUT OF THAT SAME TRACT OF LAND CONVEYED TO PLATA HOLDINGS, LLC IN DOCUMENT NO. 2021219060 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS, COUNTY, TEXAS, AND ESTABLISHING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, in order to promote public health, safety, and welfare, the City of Manor, Texas (“City”) hereby finds that public convenience and necessity require acquisition of a permanent water line easement on, over, across, under and through that certain 10,540 square foot parcel of land situated in Travis County, Texas that is described with particularity by metes and bounds and sketch on pages 1 and 3 of **Exhibit “A,”** attached and incorporated herein by reference as if fully set out, with such 10,540 square foot parcel being referred to hereafter as the “Permanent Easement,” for the public purpose and the public use of excavating for, placing, laying, constructing, installing, operating, maintaining, replacing, relocating, upgrading, removing, and repairing underground water lines, facilities, connections therewith, vents, and all necessary appurtenances thereto (all uses being referred to hereafter as the “Project”) and further for the use of any and all excavated materials from the Permanent Easement for the City’s use during the Project; and

WHEREAS, in order to promote public health, safety and welfare, the City hereby also finds that public convenience and necessity require acquisition of a temporary construction easement on, over, across, under and through that certain 10,500 square foot parcel in Travis County, Texas abutting the Permanent Easement to the south and described with particularity by metes and bounds and sketch on pages 2 and 3 of **Exhibit “A,”** with such 10,500 square foot parcel being referred to hereafter as the “TCE,” for the public purpose and the public use of construction access, temporary spoil storage, equipment storage, equipment staging, and any other purpose necessary to effectuate construction of the Project; and further for the use of any and all excavated materials from the TCE for the City’s use during the Project; and

WHEREAS, in order to effectuate the Project, it will be necessary and convenient that agents, representatives, or employees of the City lay out the Project and acquire the necessary interests in land for the purpose of construction, reconstruction, operation and maintenance of the Project; and the necessary rights of way upon, over, under and across the Permanent Easement and TCE for the purposes of construction, reconstruction, operation, and maintenance of public water line infrastructure improvements and appurtenances thereto, and for the use of any excavated materials from the Permanent Easement and TCE for use in the Project; and

WHEREAS, it may be necessary to hire engineers, surveyors, appraisers, attorneys, title companies, architects, or other persons or companies to effect the laying out, establishment, and acquisition of the Permanent Easement and TCE and for construction of the Project; and

WHEREAS, in order to acquire the Permanent Easement and TCE it will be or has been necessary for the City's agents, representatives, or employees to enter upon the Permanent Easement and TCE for the purpose of surveying and establishing said land titles and to determine adequate compensation for said land, to conduct tests, and to negotiate with the owners thereof for the purchase of the land titles and easements; and,

WHEREAS, it was necessary to set out procedures for the establishment and approval of just compensation for each of the parcels to be acquired for the Project;

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

1. That in order to promote the public health, safety, and welfare, public convenience and necessity requires the acquisition of a permanent easement over, across, under and through that certain 10,540 square foot tract of land situated in Travis County, Texas as specifically described on pages 1 and 3 of **Exhibit "A,"** for the public purpose and the public use of excavating for, placing, laying, constructing, installing, operating, maintaining, replacing, relocating, upgrading, removing, and repairing underground water lines, facilities, connections therewith, manholes, vents, and all necessary appurtenances thereto.
2. That in order to promote the public health, safety, and welfare, public convenience and necessity requires the acquisition of a temporary construction easement over, across, under and through that certain 10,500 tract of land situated in Travis County, Texas running from east to west abutting the Permanent Easement to the south as specifically described on pages 2 and 3 of **Exhibit "A,"** for the public purpose and the public use of construction access, temporary spoil storage, equipment storage, equipment staging, and any other use necessary to effectuate construction of the Project.
3. That in order to promote the public health, safety, and welfare, public convenience and necessity further requires the City's acquisition and use of any and all earthen materials that may be excavated from the Permanent Easement and/or the TCE for any purposes related to the Project.

4. That the City's agents, representatives, or employees are hereby authorized to:
 - a. Lay out the exact location of the land area needed from the Permanent Easement, TCE, or other properties;
 - b. Hire such engineers, surveyors, appraisers, title companies, architects, and other persons or companies needed to effect the laying out of the facilities, the establishment and acquisition of the required right of way, and the construction of the public utility infrastructure improvements and appurtenances;
 - c. Enter upon any property necessary for the purpose of surveying and establishing the title, to determine adequate compensation for the right of way, and to conduct tests;
 - d. Negotiate with the owners of any such properties for the purchase thereof;
 - e. To purchase any necessary easements and right of way on, over, under and across the Permanent Easement and TCE and to execute all documents necessary to acquire such rights of way, all subject to express approval of the specific, negotiated terms by the City Council;
 - f. Initiate eminent domain proceedings against the owner(s) of the Permanent Easement and TCE for the necessary land interest(s) in same in the event the owner(s) fail to accept a bona fide offer to purchase the Permanent Easement and TCE; and
 - g. Take whatever further actions deemed appropriate to economically effect the establishment of the Project and appurtenances thereto.
5. That all previous acts and proceedings done or initiated by the City's agents, representatives, or employees for the establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights in the Permanent Easement and TCE are hereby authorized, ratified, approved, confirmed, and validated. This resolution shall take effect immediately from and after its passage.
6. The Mayor is hereby authorized to sign this resolution and the City Secretary to attest thereto on behalf of the City of Manor, Texas.
7. This resolution shall be effective immediately upon adoption.
8. The meeting at which this resolution is being passed was duly noticed and was open to the public as required by law.

RESOLVED by the City Council of the City of Manor, Texas this 17th day of April 2024.

THE CITY OF MANOR, TEXAS

ATTEST:

By: _____
Dr. Christopher Harvey, Mayor

Lluvia T. Almaraz, City Secretary

APPROVED AS TO FORM:

Paige Saenz, City Attorney