

RESOLUTION NO. 2022-04

A RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION OF LAND REQUIRED FOR A PERMANENT AND TEMPORARY CONSTRUCTION EASEMENT FOR THE CITY'S WATER SYSTEM KNOWN AS FM 973 WATERLINE CIP-5-15; RATIFICATION OF PRIOR OFFERS AND ACTIONS TO OBTAIN SUCH LAND; AND STATING INTENT TO EXERCISE THE POWER OF EMINENT DOMAIN IF NECESSARY TO ACQUIRE THE LAND.

Whereas, the City of Manor, Texas, a home-rule municipal corporation (the "City"), has experienced growth and it is imperative for the public safety and welfare to connect the City's FM 973 Waterline CIP 5-15 project to improve system reliability and safety (the "Public Purpose");

Whereas, it is necessary to acquire a permanent easement and a temporary construction easement on, over, under and across certain real property located at Old Highway 20 aka FM 973 near Llano Street, Manor, Texas for the above-referenced CIP project (the "Property") for the construction, operation, replacement, and repair of a water line to accomplish the Public Purpose;

Whereas, the Property owners have been communicated with in writing and have been provided with information explaining their general rights regarding the land acquisition, as required be applicable State law and the City Charter;

Whereas, the City has obtained an independent appraisal of the Property from a qualified independent appraiser;

Whereas, the City has made good faith offers in amounts reflecting the independently established appraised value of the Property as well as the value of reaching an agreement and avoiding the costs and delays of the condemnation process;

Whereas, the Property owners have rejected the City's offers for the Property; and

Whereas, it is essential to the public health and safety that the City immediately acquire the required easements over the Property;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council further finds and determines that the immediate acquisition, and condemnation if required, of easements on, over, under, and across the Property referenced in the following Section 2 is essential to the public health and safety of the citizens of the City; and that all actions required and necessary to acquire such easement interests and to accomplish the Public Purpose should be pursued, accomplished and completed immediately.

Section 2. Property Over Which Easements To Be Acquired. The Property required for a permanent easement and a temporary construction easement to accomplish the Public Purpose is located at Old Highway 20 aka FM 973 near Llano Street, Manor, Texas, may affect an approximately 0.14 acres tract of land for the twenty (20) foot wide utility easement and 0.21 acres of land for the thirty (30) foot wide temporary construction easement located at the northwest corner of that intersection, and is further described and depicted on Exhibit “A” attached hereto and incorporated herein for all purposes.

Section 3. Ratification of Actions. All actions and negotiations heretofore taken and entered into by the City Council, the City Manager, the City Attorney, Dianna Tinkler (as the City’s broker for the project encompassing the Public Purpose activity) and/or George Butler Associates, Inc. (“GBA”) (as the City’s consultant engineer for the project encompassing the Public Purpose activity) with respect to the acquisition of the easements across the Property, and the authorizations and directions given to purchase and acquire such, are hereby reauthorized, confirmed, ratified, approved and adopted by the Council.

Section 4. Eminent Domain and Procedure. As a result of the City’s inability to purchase the easement interests on the Property on reasonable terms, the City intends to acquire the easements by exercising the power of eminent domain given to the City by its City Charter and by the statutes of the State of Texas. The City has followed and is following the procedures required by Chapter 21, Texas Property Code; has caused a good and sufficient appraisal to be made of the present market value of the easements on the Property; has provided a copy of the appraisal to the owner of the Property; has made and is making a good faith offer to purchase the easements for the appraised value plus the value of avoiding the delay and expense of condemnation; and has negotiated and is negotiating in good faith with the owner of the Property. The City Manager and the City Attorney are hereby expressly authorized, empowered and directed to file a condemnation suit in the appropriate court, and to take all other actions necessary or required to pursue such suit to its conclusion, including in order to obtain a right of entry, in order to obtain the necessary easements on, over, across, and under the Property.

Section 5. Further Procedures. The City Manager and the City Attorney are hereby further expressly authorized, empowered and directed, from time to time, to do and perform all such other acts and things as may be reasonable, necessary and desirable in order to acquire the described easements on the Property on terms and conditions that are in the best interest of the public, and that provide the owners of the Property lawful and reasonable compensation.

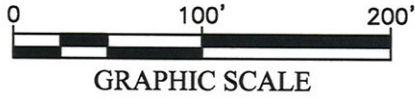
PASSED AND ADOPTED this 23rd day of February 2022.

CITY OF MANOR, TEXAS:

Dr. Christopher Harvey, Mayor

ATTEST:

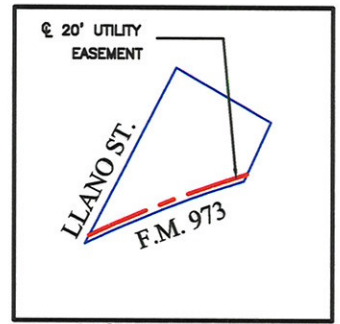
Lluvia T. Almaraz, City Secretary
City of Manor, Texas



TRAVIS COUNTY
CALVIN BARKER SURVEY
NO. 38

PLAT OF
UTILITY EASEMENT
EXHIBIT "B"
TRAVIS COUNTY, TEXAS

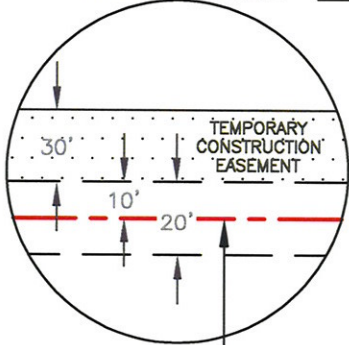
EASEMENT CENTERLINE LENGTH
313.29'
UTILITY EASEMENT AREA
0.14 ACRE (6,266 SQUARE FEET)
TEMPORARY CONSTRUCTION
EASEMENT AREA
0.21 ACRE (9,194 SQUARE FEET)



NOT TO SCALE

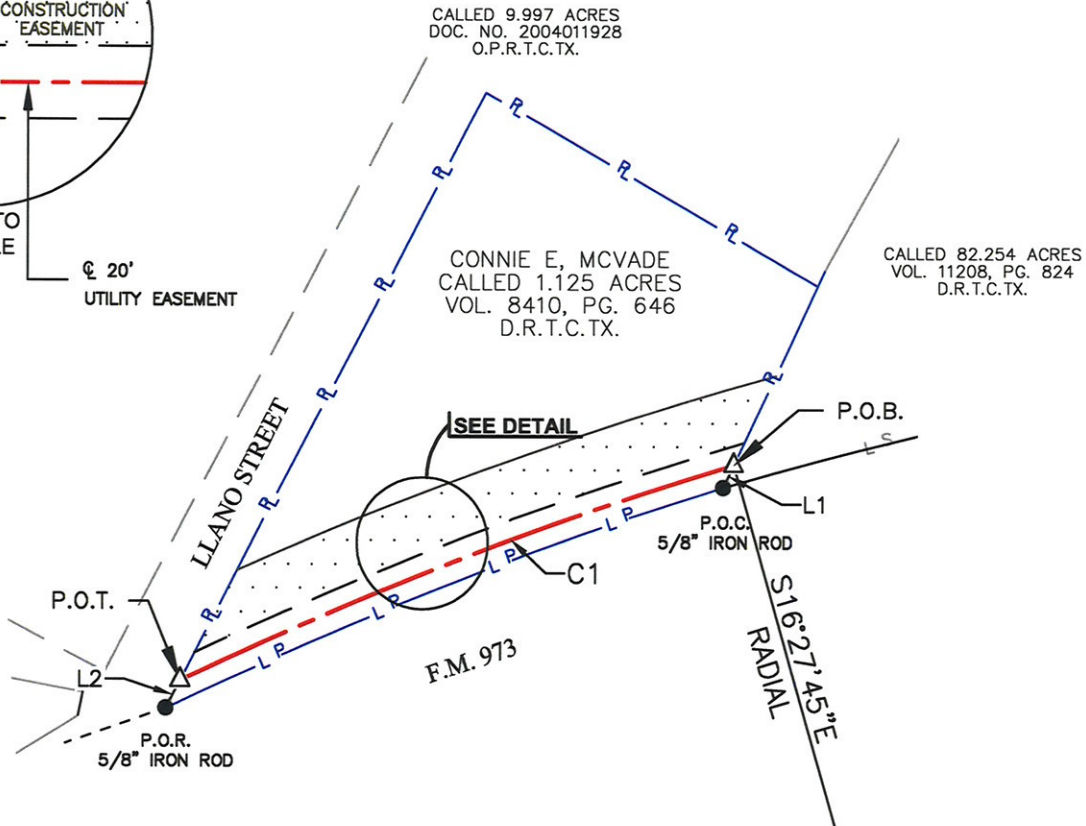
CURVE TABLE					
CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	08°50'35"	2029.86'	313.29'	N69°06'57"E	312.98'

EASEMENT DETAIL



NOT TO SCALE

20'
UTILITY EASEMENT



LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	N24°53'51"E	13.35'
L2	S27°29'13"W	16.61'

NOTES:

- ALL BEARINGS ARE GRID BEARINGS AND ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (4203), NAD83. ALL DISTANCES ARE REPRESENTED IN GRID VALUES, MEASURED IN U.S. SURVEY FEET, AND ARE BASED ON SAID HORIZONTAL DATUM.
- RECORD INFORMATION SHOWN HEREON IS BASED UPON A PUBLIC RECORDS SEARCH PERFORMED BY CONTRACT LAND STAFF. OWNER NAME SHOWN AS PROVIDED. RECORD VOLUME AND PAGE NOTED PER VESTING DOCUMENT PROVIDED.
- FOR ADDITIONAL INFORMATION, SEE ATTACHED LEGAL DESCRIPTION (EXHIBIT "A") MADE IN CONJUNCTION WITH AND CONSIDERED AN INTEGRAL PART OF THIS PLAT OF EASEMENT.
- THIS EASEMENT PLAT AND THE ATTACHED DESCRIPTION (EXHIBIT "A") WERE PREPARED FOR THE PURPOSES OF CREATING AN EASEMENT AND ARE NOT INTENDED FOR USE AS A PROPERTY BOUNDARY SURVEY.

LEGEND

- PARCEL LIMITS
- APPROXIMATE SURVEY LINE
- ADJOINER PROPERTY
- CENTERLINE OF 20' WIDE UTILITY EASEMENT
- IRON ROD FOUND (AS NOTED)
- CALCULATED POINT
- POINT OF BEGINNING
- POINT OF TERMINATION
- POINT OF COMMENCEMENT
- POINT OF REFERENCE
- DEED RECORDS, TRAVIS COUNTY, TEXAS
- OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- 20' WIDE UTILITY EASEMENT
- 30' WIDE TEMPORARY WORKSPACE

Jon V. Nolting
JON V. NOLTING
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4523 - STATE OF TEXAS

5/24/22
DATE



REVIEWED BY:
JOB NUMBER: 1021060329
DATE: 7/23/2021
SCALE: 1"=200'
SURVEYOR: JON V. NOLTING
TECHNICIAN: L. GALAN
DRAWING: TRACT_1_FN_48914
TRACT ID: 1
PARTY CHIEF:
FIELD BOOKS:



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email: info@sam.biz

Texas Firm Registration No. 10064300

PROJECT: MANOR_F.M. 973_WATERLINE
SHEET 2
OF 2