

## **RESOLUTION DETERMINING NEED**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE A PUBLIC UTILITY EASEMENT INTEREST IN CERTAIN PROPERTY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE A PUBLIC UTILITY EASEMENT INTEREST IN PROPERTY FOR THE ANNEXATION SEWER PROJECT; AND ESTABLISHING PROCEDURES FOR THE ACQUISITION OF A PUBLIC UTILITY EASEMENT INTEREST IN THE PROPERTY.

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for each of the parcels in which to acquire a public utility easement interest for the ANNEXATION SEWER PROJECT; and

WHEREAS, there may be improvements located on some of the real property in which a public utility easement interest is acquired for this Project, and such improvements may be required to be moved or demolished prior to the beginning of the Project; now, therefore,

BE IT RESOLVED by the City Council of the City of College Station, Texas:

- PART 1: That the City Council of the City of College Station, Texas, hereby officially determines that there is a public necessity for the Annexation Sewer Project, and the public welfare and convenience will be served by the acquisition of a public utility easement interest in the properties referenced in EXHIBIT "A" attached hereto and made a part hereof for all purposes.
- PART 2: That the City Manager is hereby authorized to contract, on behalf of the City of College Station, with a professional appraiser for the appraisal services, with a professional real estate agent to act as a land agent for the City and with attorneys for preparation of title opinions needed by the City from time to time in connection with acquisition of a public utility easement interest in property for the Annexation Sewer Project.
- PART 3: That the City's Land Agent or other staff appraiser is hereby authorized and directed to examine the independent appraisal reports as they are submitted to said the City to determine whether said appraisal reports are supported by sufficient data. Based upon such examination of said appraisal reports, the Land Agent or other appraiser shall make a recommendation to the City Manager as to the establishment and approval of the amount of the just compensation for a public utility easement interest in said parcels.
- PART 4: After consideration of said recommendation, the City Manager shall establish and approve the amount determined for acquisition of a public utility easement interest in the parcels.
- PART 5: That the City Council determines that it will waive paving assessments against parcels abutting the roadway from which any portion of said parcel is needed by the City for the project if the property owner dedicates the portion of the property necessary for the public utility easement to the City. The City Manager may execute

said waivers on behalf of the City of College Station where the value of the assessment is comparable to the portion of the property acquired for the public utility easement or where the value of the assessment is used to offset the value of the portion of the property acquired.

PART 6: Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of a public utility easement interest, the City's Land Agent is authorized to communicate a written offer to the owners of said parcels for the acquisition of a public utility easement interest in said parcels at the full amount determined and established to be just compensation therefore and to negotiate with said owners on behalf of the City. If the amount of compensation is in excess of \$50,000.00, the offer shall be contingent on City Council approval.

PART 7: That the Mayor after approval by City Council is hereby authorized to execute all documents necessary to acquire a public utility easement interest in each of the parcels needed for said Project, on behalf of the City of College Station.

PART 8: That the City Manager be and is hereby authorized to sell any such surplus improvements, or order the demolition thereof, if any, located on the real property acquired in connection with this Project.

PART 9: That this resolution shall take effect immediately from and after its passage.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2004.

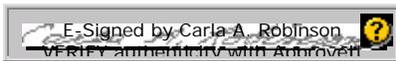
ATTEST:

APPROVED:

\_\_\_\_\_  
CONNIE HOOKS, City Secretary

\_\_\_\_\_  
RON SILVIA, Mayor

APPROVED:



\_\_\_\_\_  
City Attorney