

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, FINDING PUBLIC CONVENIENCE AND NECESSITY FOR THE DB WOOD ROAD EXPANSION PROJECT; AUTHORIZING EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, FOR THE ACQUISITION OF REAL PROPERTY RIGHTS NECESSARY FOR THE PROJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, in order to facilitate the safe and efficient movement of people and goods within Georgetown, Texas, to control the flow of stormwater within its jurisdiction, to preserve the financial investment of the public in its roadway infrastructure, and to protect the safety of the public, the City of Georgetown (the "City") hereby finds that public convenience and necessity requires the acquisition of fee simple interest to, or any lesser real property interest in, all or a portion of the following properties (collectively, the "Property") for the purposes of laying out, opening, constructing, reconstructing, maintaining, widening, extending, and operating DB Wood Road in Williamson County, Texas, including any drainage improvements necessary therefore:

1. A 4.37-acre, more or less, tract of land owned by Ronald Kenneth Joseph and Wendy Sue Fassett Joseph in the Isaac Donagan Survey, Abstract No. 498, Williamson County, Texas, being Lot Seven (7) of AMENDED WOOD RANCH, SECTION ONE (1), a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Cabinet K, Slides 265-266, Plat Records of Williamson County, Texas (the "Joseph Property").
2. A 2.16-acre, more or less, tract of land owned by Scott R. Crivelli in the Isaac Donagan Survey, Abstract No. 498, Williamson County, Texas, being Lot 22 of AMENDED WOOD RANCH SECTION 2, a subdivision in Williamson County, Texas, according to the map or plat recorded in Cabinet K, Slide 267 of the map and/or plat records and Affidavit of Correction recorded in Vol. 2375, Page 798, of the Official Public Records of Williamson County, Texas (the "Crivelli Property").
3. A 1.50-acre, more or less, tract of land owned by Paul Taylor in the Isaac Donagan Survey, Abstract No. 498, Williamson County, Texas, being Lot 1, Block "E", AMENDED WOOD RANCH SECTION THREE, a subdivision in Williamson County, Texas, according to the map or plat recorded in Cabinet L, Slide 204, of the Plat Records of Williamson County, Texas (the "Taylor Property").
4. A 1.41-acre, more or less, tract of land owned by Ross Anthony and Shelly O. Mikosh, being Lot 9, Block D, of RIVER CHASE, a subdivision in Williamson County, Texas, according to the map or plat thereof, recorded in Cabinet Q, Slide 186, Plat Records of Williamson County, Texas.

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WHEREAS, as provided for in Sections 251.001 and 273.001 of the Texas Local Government Code, the City finds and determines that the Property is necessary or convenient for the purposes of laying out, opening, constructing, reconstructing, maintaining, widening, extending, and operating the hereinafter described Project in Williamson County, Texas, including roadway improvements, drainage improvements, utility improvements, public utility infrastructure improvements, and/or other public uses and purposes related thereto as permitted by law (hereinafter the "Project"), and it is necessary to acquire fee simple rights in the Property or a portion thereof. The City finds and determines that condemnation of the Property, or a portion thereof, may be required.

WHEREAS, in order to effectuate the Project, it will be necessary and convenient that the employees, agents, and/or representatives of the City to lay out the Project and acquire the necessary right of way upon, over, under and across the Property for the purpose of construction, reconstruction, operation, and maintenance of roadway and drainage infrastructure improvements, and appurtenances thereto, and for the use of any excavated materials from the Property for use in construction of such infrastructure improvements;

WHEREAS, it may be necessary to hire engineers, surveyors, appraisers, attorneys, title companies, architects, or other persons or companies to effect the acquisition of the Property for the Project;

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

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

**Now, THEREFORE, be it RESOLVED by the City Council of the City of Georgetown, Texas:**

1. That in order to promote the public health, safety, and welfare, public convenience and necessity requires the acquisition of fee simple title to the real property described hereinabove for the purposes of laying out, opening, constructing, reconstructing, maintaining, widening, extending, and operating the Project in Williamson County, Texas, including roadway and drainage improvements, and/or other public uses and purposes as permitted by law.
2. That the City's employees, agents, and/or representatives are hereby authorized to:
  - a. Lay out the exact location of the land area needed from the Property;
  - b. Hire such engineers, surveyors, appraisers, title companies, architects, and other persons or companies needed to effect the laying out of the facilities

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for the Project, the establishment and acquisition of the required right-of-way, and the construction of permanent infrastructure improvements, and appurtenances thereto;

- c. Enter upon any property necessary for the purpose of surveying and establishing the title, in order to determine adequate compensation for the rights being acquired, and to conduct tests;
  - d. Negotiate with the owner(s) of any such properties for the purchase thereof;
  - e. To purchase any necessary easement rights on, over, under and across the Property, and execute all documents necessary to acquire such Property, all subject to the City Council's express approval of the specific, negotiated terms of the acquisition;
  - f. Initiate eminent domain proceedings against the owner(s), lienholders, and any owners of any other interests in the Property to obtain the necessary title(s) for the Property in the event the owner(s) fail(s) to accept a bona fide offer to purchase the Property; and
  - g. Take whatever further actions are deemed appropriate to economically effect the establishment of the Project and appurtenances thereto.
3. That all previous acts and proceedings done or initiated by the City's employees, agents, and/or representatives for the establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights in the Property are hereby authorized, ratified, approved, confirmed, and validated.

IT IS THEREFORE ORDERED that the initiation of condemnation proceedings for the Property is adopted and authorized by a single order for the Property, and this first vote by the City applies to all of the Property identified.

IT IS FURTHER ORDERED that the City Attorney is hereby authorized to proceed to condemnation on the Property, if necessary, and directed to transmit or cause to be transmitted this request of the City to legal counsel to file or cause to be filed against all owners, lienholders, and any owners of any other interests in the Property, proceedings in condemnation to acquire in the name of and on behalf of the City, fee simple title to the Property or such lesser estates or property interests as determined necessary, save and except oil, gas, and sulfur, as provided by law.

4. The Mayor is hereby authorized to sign this resolution and the City Secretary to attest thereto on behalf of the City of Georgetown. This resolution shall be effective immediately upon adoption.

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**RESOLVED** by the City Council of the City of Georgetown this \_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

THE CITY OF GEORGETOWN:

\_\_\_\_\_  
Robyn Densmore, City Secretary

By: \_\_\_\_\_  
Josh Schroeder, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Skye Masson, City Attorney

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