

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS (1) DETERMINING THE PUBLIC NECESSITY AND PUBLIC USE FOR THE ACQUISITION OF PARCELS OF LAND BY FEE SIMPLE TITLE TO THE SURFACE ESTATE AND BY WATERLINE EASEMENTS FOR A WATER LINE PIPELINE PROJECT KNOWN AS MARY RHODES PIPELINE PHASE 2, WHICH IS TO BE GENERALLY LOCATED ALONG THE ROUTE FROM BAY CITY, TEXAS TO LAKE TEXANA DESCRIBED AS FOLLOWS: FROM A POINT WHICH BEGINS ON THE WEST BANK OF THE COLORADO RIVER IN MATAGORDA COUNTY, TEXAS JUST NORTH OF THE STATE HIGHWAY 35 BRIDGE AND RUNS APPROXIMATELY 41 MILES TO THE CITY'S PUMP STATION ADJACENT TO THE PALMETTO BEND DAM ON LAKE TEXANA LOCATED IN JACKSON COUNTY, TEXAS; SAID PIPELINE FURTHER DESCRIBED AS FOLLOWS: LEAVING THE COLORADO RIVER, THE ALIGNMENT WILL PARALLEL STATE HIGHWAY 35 IN A SOUTHWESTERLY DIRECTION THROUGH MATAGORDA COUNTY FOR APPROXIMATELY 13 MILES UNTIL JUST EAST OF BLESSING, TEXAS, WHERE THE ALIGNMENT WILL BREAK MORE WESTERLY TO FOLLOW THE UNION PACIFIC RAIL ROAD EASEMENT ON THE NORTH SIDE OF BLESSING FOR APPROXIMATELY 2.5 MILES; WEST OF BLESSING, TEXAS AND CONTINUING IN A SOUTHWESTERLY DIRECTION FOR APPROXIMATELY 5 MILES, THE ALIGNMENT WILL PARALLEL FM 616 AND CONTINUE THROUGH MATAGORDA COUNTY TO THE JACKSON COUNTY LINE WHERE IT WILL CONTINUE PARALLEL TO FM 616 IN JACKSON COUNTY THROUGH FRANCITAS, TEXAS FOR APPROXIMATELY 9 MILES UNTIL JUST EAST OF LA WARD, TEXAS WHERE THE ALIGNMENT WILL TURN NORTHWESTERLY TO CIRCUMNAVIGATE LA WARD FOR APPROXIMATELY 1.5 MILES; THE ALIGNMENT WILL THEN PARALLEL SH 172 IN A NORTHERLY DIRECTION OUT OF LA WARD FOR APPROXIMATELY 2 MILES WHERE IT WILL TURN WESTERLY FOLLOWING FM 3131 APPROXIMATELY 8 MILES TO THE WEST DELIVERY SYSTEM ON THE WEST BANK OF THE NAVIDAD RIVER IN JACKSON COUNTY; (2) AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE THE PROPERTY INTERESTS SUBJECT TO AVAILABILITY OF FUNDS APPROPRIATED FOR SUCH PURPOSES; (3) AUTHORIZING THE CITY MANAGER TO INSTITUTE CONDEMNATION BY EMINENT DOMAIN PROCEEDINGS TO ACQUIRE THE FEE SIMPLE AND EASEMENT INTERESTS IN THE PROPERTIES ; (4) AUTHORIZING PAYMENT PURSUANT TO AN AWARD BY SPECIAL COMMISSIONERS; (5) AUTHORIZING ACCEPTANCE AND RECORDING OF APPROPRIATE LEGAL INSTRUMENTS; AND (6) APPROVING CONDEMNATION FOR ALL UNITS OF PROPERTY TO BE ACQUIRED BY CONDEMNATION WITHIN THE WATER LINE ROUTE DESCRIBED HEREIN BY A SINGLE RECORD VOTE OF THE CITY COUNCIL.

WHEREAS, the City of Corpus Christi is in need of various tracts of land and waterline easements described herein for the purposes of access, use and construction of a water transmission line and related improvements, and,

WHEREAS, in accordance with the Texas Property Code, the Landowner's Bill of Rights, has been or will be provided to the landowner; and,

WHEREAS, in accordance with Section 2206.053 of the Texas Government Code, the City Council of the City of Corpus Christi, Texas, has met after a duly noticed meeting in compliance with the Texas Open Meetings Act, and by a record vote of the City Council, (with no Councilmember objecting to adoption by single resolution for all units of property for which condemnation proceedings are to be initiated), the City Council has determined to utilize its constitutional and statutory authority to exercise its authority for eminent domain in accordance with State law; and,

WHEREAS, the land and waterline easements shown in Exhibit "A," are necessary to advance the public uses recited herein; and,

WHEREAS, Texas Government Code Section 2206.053 (f) provides that if a project for a public use including a water supply project will require a governmental entity to acquire multiple tracts or units of property to construct facilities connecting one location to another location, the governing body of the governmental entity may adopt a single ordinance, resolution, or order by record vote that delegates the authority to initiate condemnation proceedings to the chief administrative official of the governmental entity; and,

WHEREAS, Texas Government Code Section 2206.053(g) provides that an ordinance, resolution, or order adopted under Section 2206.053(f) is not required to identify specific properties that the governmental entity will acquire; the ordinance, resolution, or order must identify the general area to be covered by the project or the general route that will be used by the governmental entity for the project in a way that provides property owners in and around the area or along the route reasonable notice that the owners' properties may be subject to condemnation proceedings during the planning or construction of the project; and,

WHEREAS, the Mary Rhodes Pipeline Phase II project is a water supply contract and therefore utilization in this resolution to identify the general area to be covered by the project and the general route that will be used by the City of Corpus Christi for the Mary Rhodes Pipeline Phase II is authorized by Texas Government Code Section 2206; and,

WHEREAS, the location of said waterline related improvements, based on an engineering study optimizes the enhancement and adequacy of the municipal water system;

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

Section 1. All of the Recitals are hereby found to be true and correct legislative and factual findings of the City of Corpus Christi Texas, and they are hereby approved and the Recitals are incorporated for all purposes as if they were fully recited herein.

Section 2. That the City Council of the City of Corpus Christi, Texas, hereby finds and determines that a public use and necessity exists for the welfare of the City and its citizens to

construct the Mary Rhodes Pipeline Phase 2, and it is in the public interest to acquire the tracts of land and waterline easements, along the route as generally described in Exhibit "A" and generally depicted in Exhibit "B," attached hereto and incorporated herein, for such public use; that such acquisition is solely for the public use and necessity of acquiring this uniquely situated land for providing improvements to its municipal water facility.

Section 3. That the City Manager, or designee, is hereby authorized on behalf of the City to take all steps necessary to acquire the fee simple and easement interests for the Mary Rhodes Pipeline Phase 2 project, including acceptance and recording of legal documents, all subject to availability of funds appropriated for such purposes. If such offer and an agreement as to damages and compensation cannot be reached, then the City Manager is delegated the authority to direct the City Attorney, or designee, to file or cause to be filed against the owners and interested parties of the property, proceedings in eminent domain in accordance with State law to acquire the properties in fee simple and easement interests in the properties. If it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised description, the City Attorney, or designee, is authorized to have such errors corrected or revisions made without the necessity of obtaining the City Council approval authorizing the condemnation of the corrected or revised properties. The City Manager or designee is authorized to issue payment pursuant to an award by Special Commissioners in the condemnation matter.

Section 4. That the City Manager or designee is fully authorized to negotiate and make final offers, and to execute the contracts and instruments necessary to purchase and acquire all properties necessary and to pay for said properties provided the amounts paid are within the Council approved project budgets, all without requiring additional City Council consideration or approval.

Section 5. That this resolution authorizing condemnation proceedings over the units of property generally described by route as listed in exhibits A and B, shall be approved by single record vote of the City Council.

Section 6. That this Resolution shall take effect immediately from and after its passage and it is so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS, this ____ day of _____, 2013.

ATTEST:

THE CITY OF CORPUS CHRISTI

Armando Chapa
City Secretary

Nelda Martinez
Mayor

Corpus Christi, Texas

_____ of _____, _____

The above resolution was passed by the following vote:

Nelda Martinez _____

Kelley Allen _____

Rudy Garza _____

Priscilla Leal _____

David Loeb _____

Chad Magill _____

Colleen McIntyre _____

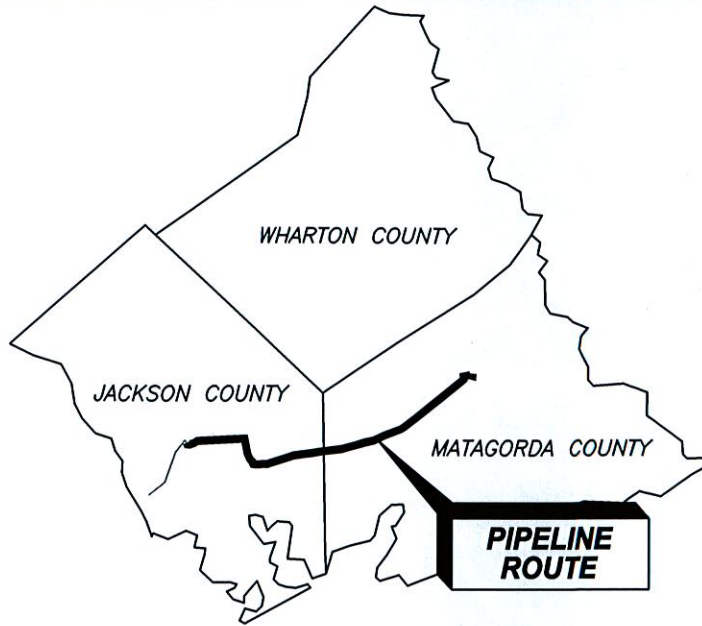
Lillian Riojas _____

Mark Scott _____

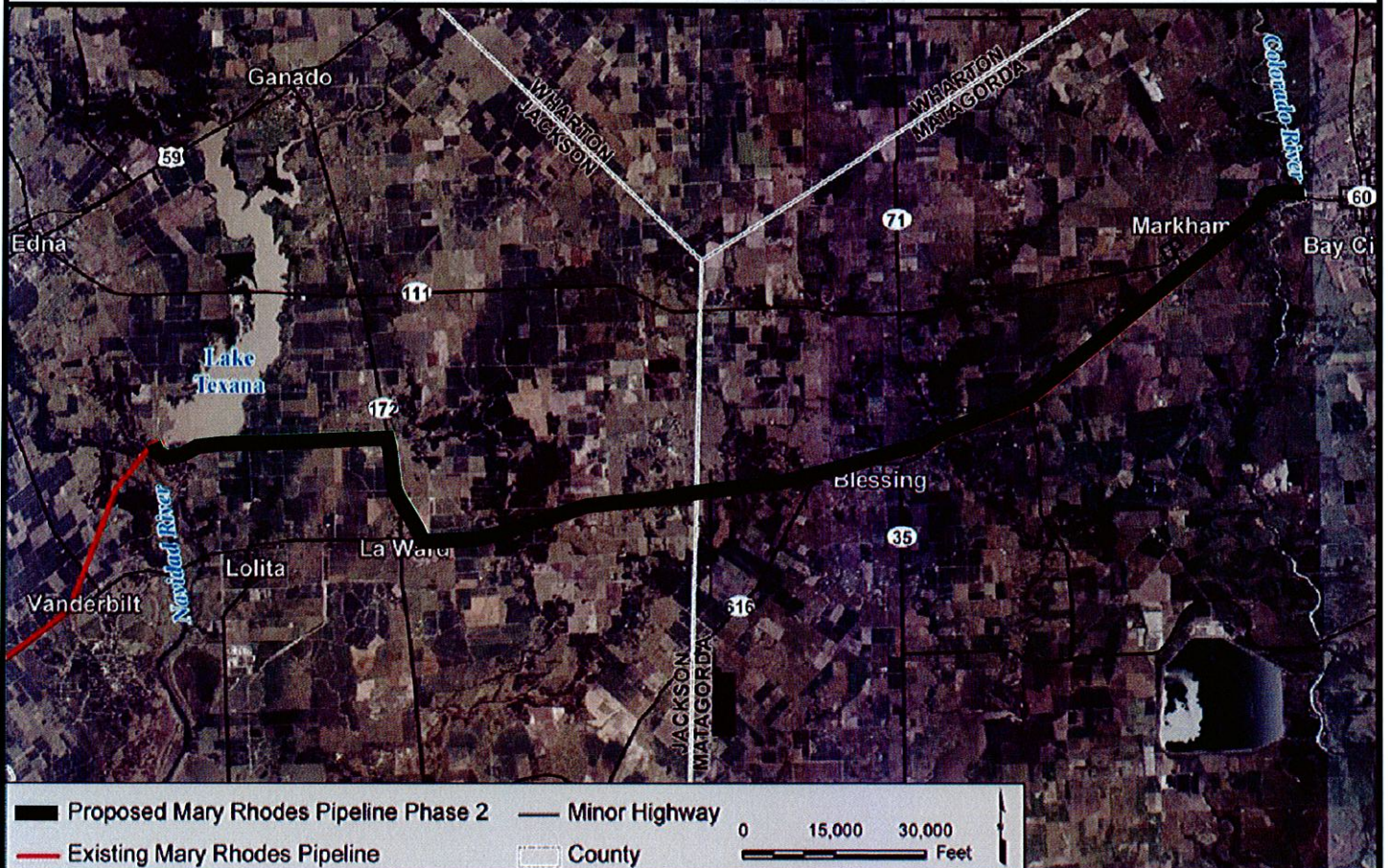
Exhibit "A"

General description of the route for the Mary Rhodes Pipeline Phase II project:

A 54-inch water supply pipeline for the City of Corpus Christi, which will be routed from a point of beginning on the west bank of the Colorado River in Matagorda County just north of the State Highway 35 bridge and will run approximately 41 miles to the City's Pump Station adjacent to the Palmetto Bend Dam on Lake Texana located in Jackson County, Texas; said pipeline further described as follows: leaving the Colorado River, the alignment will parallel State Highway 35 in a southwesterly direction through Matagorda County, Texas for approximately 13 miles until just east of Blessing, Texas, where the alignment will break more westerly to follow the Union Pacific Rail Road easement on the north side of Blessing, Texas for approximately 2.5 miles; West of Blessing, Texas and continuing in a southwesterly direction for approximately 5 miles, the alignment will parallel FM 616 and continue through Matagorda County, Texas to the Jackson County, Texas line where it will continue parallel to FM 616 in Jackson County through Francitas, Texas for approximately 9 miles until just east of La Ward, Texas where the alignment will turn northwesterly to circumnavigate La Ward for approximately 1.5 miles; the alignment will then parallel SH 172 in a northerly direction out of La Ward for approximately 2 miles where it will turn westerly following FM 3131 approximately 8 miles to the West Delivery System on the west bank of the Navidad River in Jackson County.



REFERENCE MAP
NOT TO SCALE



ROUTE MAP
NOT TO SCALE

EXHIBIT "B"

**Mary Rhodes Pipeline, Phase 2
Proposed Route Map**

CITY COUNCIL EXHIBIT
CITY OF CORPUS CHRISTI, TEXAS
DEPARTMENT OF ENGINEERING SERVICES

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Date: December 19, 2012

