

RESOLUTION NO. 2010-41

RESOLUTION DETERMINING NEED

A RESOLUTION OF THE CITY OF LA FERIA, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE WATER AND WASTEWATER SYSTEMS IMPROVEMENT PROJECTS; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF PROPERTY; AND APPROPRIATING FUNDS.

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for all of the real property to be acquired for the purpose of making improvements to the water and wastewater systems in connection with anticipated projects in connection with the Texas Water Development Board (TWDB) and the Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) administered by the TWDB (hereinafter collectively referred to as the "Projects"); and

WHEREAS, the Projects will improve the quality of life of and be to the benefit general welfare of the citizens of the City of La Feria, Texas (hereinafter referred to as the "City");

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LA FERIA, TEXAS, THAT:

- 1) The City Commission of the City hereby officially determines that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition of the real property described in Exhibit "A" attached hereto and made a part hereof for all purposes, either in the form of an appropriate easement or in the form of fee simple title as determined by the City Manager, in consultation with the City engineers, attorneys and financial advisors, to be in the best interests of the City (hereinafter referred to as the "Property"), and it is the City's intention to acquire the Property for all purposes as part of the Projects in the City for the purposes of improvement of the water and wastewater systems of the City.
- 2) The City Manager is hereby authorized to contract on behalf of the City with professional appraisers for appraisal services, with title companies for preparation of title reports and issuance of title policies and with the City attorney for required legal services needed by the City from time to time in connection with acquisition of the Property for the Projects.
- 3) The City Manager is hereby authorized and directed to examine the independent appraisal reports as they are submitted to the City to determine whether said appraisal reports are supported by sufficient data.
- 4) Based upon such examination of said appraisal reports, the City Manager shall establish and approve the amount of the just compensation for the acquisition of the Property.
- 5) Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition, the City Manager is authorized to communicate a written offer to the owner(s) of the Property for acquisition of the Property at the full amount determined and established to be just

compensation therefore and to negotiate with said owner(s) on behalf of the City. The City Manager is also authorized to accept all or any portion of such acquisitions in the form of a gift or donation to the City as the City Manager deems to be in the best interest of the City.

- 6) The City Manager be and is hereby authorized to execute all documents and, subject to the limitations set forth below, expend all funds necessary to acquire the Property needed for the Projects on behalf of the City of La Feria.
- 7) The amount of ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000.00) be and hereby is appropriated from the City's Water/Wastewater Capital Improvement Funds as funding for acquiring the Property for the Projects together with such additional funds to pay all reasonable and necessary expenses related with the acquisition of the Property.
- 8) This resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED this 7th day of December, 2010.

APPROVED:



STEVE BREWER, Mayor

ATTEST:



OLGA OBERWETTER, City Secretary

APPROVED:



RICHARD S. TALBERT, City Attorney

EXHIBIT "A"
OF RESOLUTION 2010-41

**LEGAL DESCRIPTIONS OF EASEMENTS AND
FEE SIMPLE PARCELS TO BE ACQUIRED**

RANDY WINSTON, P.E.
PRESIDENT

CHAS A. GREENWOOD, P.E.
SPECIAL CONSULTANT

**SIGLER, WINSTON, GREENWOOD
& ASSOCIATES
SWG ENGINEERING, LLC**

811 BILL SUMMERS INTL BLVD
WESLACO, TEXAS 78598
PH: 956-988-2194 FX: 956-988-8300

JOE B. WINSTON, P.E.
EXECUTIVE VICE PRESIDENT

WILLIAM R. SHEA, P.E.
CHAIRMAN OF THE BOARD

**2011 SRF Acquisition List
Fee Simple**

Number	Easement Number	Owner	Property ID	Easement Area (Acres)
1	X	JCCGARZA, LLC	176590	0.33
2	Y	Myers Rabb LLC	182384	0.267
3	Z	Gallaway Walter Craig & Johnson and Sheryl E Gallaway	176547	0.325*
4	AA	Joe Wolf	179135	0.229

RANDY WINSTON, P.E.
PRESIDENT

CHAS A. GREENWOOD, P.E.
SPECIAL CONSULTANT

**SIGLER, WINSTON, GREENWOOD
& ASSOCIATES
SWG ENGINEERING, LLC**

611 BILL SUMMERS INTL BLVD
WESLACO, TEXAS 78596
PH: 956-968-2194 FX: 956-968-8300

JOE B. WINSTON, P.E.
EXECUTIVE VICE PRESIDENT

WILLIAM R. SHEA, P.E.
CHAIRMAN OF THE BOARD

**2011 SRF Acquisition List
Easements**

Number	Easement Number	Owner	Property ID	Easement Area (Acres)
1	A	MYERS RABB LLC		
2	B	Gonzales Jesus JR. & Cynthia	182384	0.287
3	C	Rosales Fidel SR DBA Gulf Coast	182383	0.061
4	D	CIZLER DANNEL ET UX	182381	0.105
5	E	ALBERTO ROMERO	182380	0.068
6	F	Longoria, Leonel L. & Norma A.	182379	0.051
7	G	Garcia, Maurice ET UX	181351	0.095
8	H	Roberts, John	181353, 181354	0.174
9	I	Lot 1, Kratovil Subdivision	181347	0.125
10	J	Ahumada, Felimon ET UX		0.101
11	K	Markowsky, Leeland Paul	181345	0.104
12	L	Dora Solis Jenkins	177348	0.063
13	M	Humberto & Enedina Luna	177347	0.125
14	N	Bennett, Donald B. & Lois E	177341	0.080
15	O	Leticia Muniz	177343	0.080
16	P	Diane Medeles	179632	0.072
17	Q	Jenkins, Dora Solis	179631	0.014
18	R	De Anda, Felix	177345	0.045
19	S	Sepulveda, Mary Jane D	176664	0.09
20	T	Cabrera, Elisa	176665	0.08
21	U	De Los Santos, Javier & Tina G.	176667	0.09
22	V	De Los Santos, Javier & Tina G.	176622	0.30
23	W	Contreras, Jose & Cedula	176622	0.19
24	II	Ort Jack K	176627	0.19
25	JJ	Ort Jack K	179163	0.15
26	KK	Lloyd Sangwall & Lloyd James EST	179163	0.41
27	LL	Leticia Rodriguez	179175	0.19
28	MM	Ray David L	179178, 179179	0.19
29	NN	Becerra Mark	179165	0.15
30	OO	Acuff Frederick Gene	179164	0.03
31	PP	Ort Jack K	179166	0.15
32	QQ	Ort Jack K	179149	0.19
33	RR	Trevino Javier	179150	0.10
34	SS	Wolf Lindsey R	179151	0.10
35	TT	Edelstein Stephen H ET UX	179147	0.38
36	UU	Garcia Hugo	179159	0.094
37	VV	KVS Family Limited Partnership	179162	0.097
38	WW	Bauer Carl & Marie C	177459	0.62
39	XX	Bauer Carl & Marie C	183099	0.37
40	YY	Gasaway Michael		0.04
41	ZZ	Leach & Minnick, PC	183112	0.03
42	AAA	Gonzales, Hector & Linda	183111	0.018
43	BBB	Guajardo, Silvestre	183193	0.01
44	CCC	Degollado, Sergio & Geraldine M	183193	0.03
45	DDD	Degollado, Sergio & Geraldine M	239984	0.021
46	EEE	Degollado, Sergio & Geraldine M	239983	0.021
47	CC	Joe Wolf		0.007
			179135	0.38