

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

A RESOLUTION OF THE LEROY TOURS GERALD WATER SUPPLY CORPORATION, DETERMINING THE NECESSITY OF ACQUIRING REAL PROPERTY AND EASEMENTS FOR CONSTRUCTION OF A PUBLIC WATER TRANSMISSION LINE FOR WATER QUALITY IMPROVEMENTS (ARSENIC ABATEMENT) AND RELATED WATER SYSTEM IMPROVEMENTS, AUTHORIZING APPROPRIATION OF REAL PROPERTY FOR PUBLIC USE; AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY PURSUANT TO SECTION 2206.053 OF THE GOVERNMENT CODE; DELEGATING AUTHORITY TO INITIATE CONDEMNATION PROCEEDINGS TO THE BOARD PRESIDENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Leroy-Tours-Gerald Water Supply Corporation ("LTG") is a member-owned, nonprofit corporation incorporated pursuant to the provisions of Tex. Rev. Civ. Stat. Ann., art. 1434a as supplemented by the Texas Nonprofit Corporation Act, Tex. Rev. Civ. Stat. Ann., art 1396, for the purpose of furnishing a potable water utility service; and

WHEREAS, the LTG Board of Directors (the "Directors"), authorized the engineering and design of a public water transmission line for water quality improvements, including arsenic abatement, and related appurtenances (the "Project"); and

WHEREAS, the Project will require the acquisition of approximately 31,271 linear feet of twenty foot (20') wide permanent easements for installation of water transmission lines and related appurtenances, consisting of approximately 14.817 acres of land, more or less; and

WHEREAS, pursuant to the Texas Water Code, Section 49.222, a water supply corporation may acquire by condemnation any land, easements, or other property inside or outside the district boundaries, or the boundaries of the certificated service area for a water supply corporation, necessary for water, sanitary sewer, storm drainage, or flood drainage or control purposes or for any other of its projects or purposes, and may elect to condemn either the fee simple title or a lesser property interest.

WHEREAS, upon consideration of this matter and for construction, operation, and maintenance of the Project, the Directors have determined that there is a public need and necessity for the health, safety and welfare of the Corporation and the public at large (the "Public Uses") to acquire easements (the "Real Property Interests") on and across the property as depicted in the attached Exhibit "A" attached hereto and incorporated herein by reference, (the "Property"); and

WHEREAS, the Real Property Interests consist of a twenty foot (20') wide permanent Right-of-Way Easement; and

WHEREAS, the Directors have investigated and determined that the Project constitutes a public use; and

WHEREAS, when necessary, the Directors may exercise the right of eminent domain for a public use to acquire private property pursuant to Chapter 251 of the Texas Local Government Code; and

WHEREAS, the Directors find that the descriptions of the Real Property Interests for acquisition on and across the Property by eminent domain for the Project complies with applicable law in that the same identifies the Property that will be used by LTG for the Project in a way that provides the property owner reasonable notice that the owners' property may be subject to condemnation proceedings during the planning or construction of the Project; and

WHEREAS, LTG is required to make a bona fide offer, as defined by and in compliance with Texas Property Code § 21.0113, to acquire the Real Property Interests on and across the Property for the Public Use, voluntarily, from the subject landowners prior to moving forward with the acquisition by eminent domain; and

WHEREAS, the Directors now deem it necessary to authorize the Board President or his designee to initiate condemnation proceedings in order to acquire the necessary Real Property Interests in the event negotiations are unsuccessful; and

WHEREAS, LTG has provided notice for this public meeting by including an agenda item stating that the Directors will consider the use of eminent domain to condemn property pursuant to Section 2206.053 of the Government Code; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE LEROY TOURS GERALD WATER SUPPLY CORPORATION, MCLENNAN COUNTY TEXAS:**

SECTION 1. The Directors hereby find and determines that the recitals made in the preamble of this Resolution are true and correct and incorporates such recitals in the body of this Resolution as if copied in their entirety.

SECTION 2. The Directors hereby find and determine that a public use and necessity exists for the Public Uses and authorizes the initiation of condemnation proceedings for acquisition of the necessary Real Property Interests on and across the Property for such purposes, as allowed by law, together with all necessary appurtenances, additions, and improvements on, over, under and through certain lots, tracts, or parcels of land.

SECTION 3. The Directors authorize the Board President to negotiate for and to acquire the required Real Property Interests on and across the Property for LTG, and to acquire said rights in compliance with State and any other applicable law, including Chapter 21 of the Texas Property Code. Moreover, the Board President is specifically authorized and directed to do each and every act necessary to acquire the needed Real Property Interests on and across the Property including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to retain and designate a qualified appraiser to determine the just compensation for the acquisition of the Real Property Interests on and across the Property being

acquired, as well as any other experts or consultants the Board President deems necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

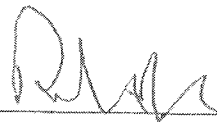
SECTION 4. The Board President is appointed as negotiator for the acquisition of the needed Property Interests and, as such, the Board President is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the Board of Directors for such purpose. Additionally, if the Board President determines that an agreement as to damages or compensation cannot be reached after making a bona fide offer, then the Corporation's Attorney is hereby authorized and directed to file or cause to be filed, against the owner(s) and interested parties of the needed Real Property Interests on and across the Property, proceedings in eminent domain to acquire the above-stated Real Property Interests on and across the Property.

SECTION 5. Should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

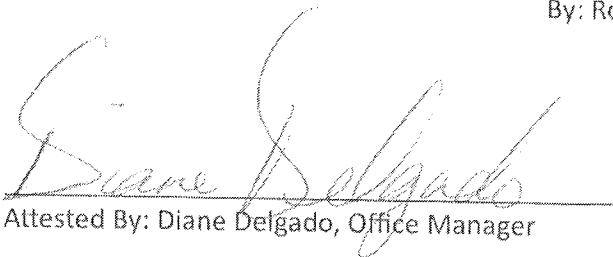
SECTION 6. This ordinance shall take effect immediately from and after its passage.

SECTION 7. It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, date, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Section 2206.053 of the Texas Government Code.

**DULY PASSED AND APPROVED** by **RECORD VOTE** by the Leroy Tours Gerald Water Supply Board of Directors on the 12 day of June, 2025.



By: Robert Polansky, Board President



Attested By: Diane Delgado, Office Manager

Approved as to form:



Corporation Attorney