

RESOLUTION NO. 2025-124R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AUTHORIZING THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE FEE SIMPLE TITLE AND PUBLIC EASEMENT INTERESTS IN REAL PROPERTY ASSOCIATED WITH THE INSTALLATION OF THE FM 1978 WATER RECLAMATION FACILITY SOUTHEAST OF THE CITY AS DEPICTED IN THE ATTACHED LOCATION MAP; DETERMINING THE PUBLIC NECESSITY FOR THESE ACQUISITIONS; AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED REAL PROPERTY INTERESTS IN COMPLIANCE WITH ALL APPLICABLE LAWS; AUTHORIZING THE CITY ATTORNEY, OR HIS DESIGNEE, TO INSTITUTE CONDEMNATION PROCEEDINGS AS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS TO THE EXTENT NEGOTIATIONS ARE UNSUCCESSFUL; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

- 1.** The City of San Marcos, Texas (“the City”) is undertaking public utility improvements in connection with operating the Farm to Market Road 1978 water reclamation facility (“the Project”).
- 2.** For the public uses of the Project, in furtherance of public water reclamation, it is necessary and convenient for the City to acquire real property interests, in the form of fee simple title and wastewater easements, depicted in the location map and surveys attached hereto as Exhibit A, and made a part hereof for all purposes.
- 3.** The public uses of the Project are required for the preservation of the public health, safety and welfare, and for the public convenience and necessity for the citizens of and persons in the City.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. All of the above recitals are hereby found to be true and correct legislative and factual findings of the City Council of the City of San Marcos, Texas, and they are hereby approved and incorporated into this resolution.

PART 2. The City Council finds and determines that for the specified public uses and purposes a necessity exists to construct the improvements comprising the Project across the areas depicted in Exhibit A and that the Project is required for the preservation of the public health, safety and welfare and the public convenience and necessity for the citizens of and persons in the City.

PART 3. The City Council further finds and determines that, for purposes of the Project, it is necessary and convenient to acquire real property interests shown in Exhibit A.

PART 4. The City Manager, or her designee, is hereby authorized to do each and every lawful act necessary to acquire the needed real property interests described above, to establish the amount of just compensation to be paid for the acquisition of such real property interests based upon an independent appraisal, to negotiate for the acquisition of the real property interests, to give notices, to make written offers to purchase, to enter into contracts, to retain appraisers, other experts or consultants deemed necessary for the acquisition process and, if necessary, to ask the City Attorney, or his designee, to institute and prosecute to conclusion proceedings in eminent domain to acquire fee simple title and a wastewater easement as shown in Exhibit A, and to take all other lawful action necessary and incidental to such eminent domain proceedings.

PART 5. All lawful acts and proceedings done or initiated by the City Manager and the City Attorney, or their respective designees, and the employees, agents, experts and consultants of the City for the acquisition of the real property interests needed in connection with the Project are hereby authorized, ratified, approved, confirmed, and validated and declared to be valid in all respects as of the respective dates thereof.

PART 6. If any portion of this resolution, or the application of same to any person or set of circumstances is for any reason held unconstitutional, void or invalid, the validity of the remaining portions of this resolution shall not be affected thereby, it being the intent of the City Council of the City of San Marcos, Texas in adopting this resolution that no portion thereof, or provisions or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Resolution are declared to be severable for that purpose.

PART 7. This resolution shall become effective from and after its passage.

ADOPTED on July 1, 2025.

Jane Hughson
Mayor

Attest:

Elizabeth Trevino
City Clerk