

STATE OF TEXAS §
 §
COUNTY OF WEBB §

ORDER NO. 04-23-2018-_____
WEBB COUNTY COMMISSIONERS COURT
WEBB COUNTY, TEXAS

DECLARING A PUBLIC USE, NAMELY; THE CONSTRUCTION OF ROADWAY IMPROVEMENTS IN ORDER TO ALLEVIATE FLOODING CONCERNS AND PROVIDE SAFE INGRESS AND EGRESS TO THE LAS LOMAS SUBDIVISION, AND THE NECESSITY TO ACQUIRE AN EASEMENT FOR PUBLIC ROADWAY RIGHT-OF-WAY PURPOSES, AND FOR THE CONSTRUCTION, LAYING, INSTALLATION, OPERATING, REPAIRING AND MAINTAINING OF DRAINAGE IMPROVEMENTS AND OTHER PUBLIC UTILITIES (INCLUDING, BUT NOT LIMITED TO, DRAINAGE STRUCTURES OF ALL TYPES, AND WATER, SEWER, TELEPHONE, GAS, ELECTRIC AND CABLE LINES, AND ALL RELATED, NECESSARY OR DESIRABLE APPURTENANCES) IN PERPETUITY, IN, UNDER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY IN WEBB COUNTY, TEXAS: A 0.2287 ACRE TRACT BEING OUT AND PART OF TRACT 24, RANCHITO LAS LOMAS SUBDIVISION RECORDED IN VOLUME 3, PAGE 13A, PLAT RECORDS OF WEBB COUNTY, TEXAS AND FURTHER AUTHORIZING STAFF TO NEGOTIATE WITH THE OWNERS FOR THE ACQUISITION OF SAID PARCEL BY PURCHASE AT ITS MARKET VALUE ESTABLISHED BY AN INDEPENDENT STATE CERTIFIED REAL ESTATE APPRAISER; AND AUTHORIZING THE CIVIL LEGAL DIVISION TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE SAID PARCEL IF STAFF IS UNABLE TO ACQUIRE DUE TO INABILITY TO AGREE TO A PURCHASE PRICE, CONFLICT OF OWNERSHIP, OWNER REFUSAL TO SELL, AND/OR INABILITY TO LOCATE A LISTED OWNER.

WHEREAS, the County of Webb is in the process of implementing surface drainage improvements within the Ranchitos Las Lomas Subdivision to reduce flooding and to provide a safe roadway that will allow ingress and egress from the area; and

WHEREAS, there is a public necessity for the County of Webb to acquire a drainage easement across and out of the said parcel of land to address a public health and safety concern to alleviate flooding and mobility issues; and

WHEREAS, County staff recommends that this parcel of land be acquired for the stated purpose; and

WHEREAS, County staff requests authorization to negotiate, and purchase the tract at its market value and authorize the Civil Legal Division to initiate condemnation proceedings should staff be unable to acquire due to inability to agree to a purchase price, conflict of ownership, owner refusal to sell, and/or inability to locate a listed owner.

NOW THEREFORE, BE IT ORDERED, ADJUDGED and DECREED by the Commissioners Court of Webb County, Texas that:

SECTION 1: It declares the public use and public necessity to acquire an easement for public roadway right-of-way purposes, and for the construction, laying, installation, operating, repairing and maintaining of drainage improvements and other public utilities (including, but not limited to, drainage structures of all types, and water, sewer, telephone, gas, electric and cable lines, and all related, necessary or desirable appurtenances) in perpetuity, in, under and across the following described property in Webb County, Texas: a 0.2287 ACRE TRACT Being out and part of TRACT 24, Ranchito Las Lomas Subdivision Recorded in Volume 3, Page 13A, Plat Records of Webb County, Texas A 1.2856 acre tract across and out of Tract 40, Ranchitos Las Lomas Subdivision recorded in Volume 3, Page 13a, Plat Records of Webb County, Texas roadway and drainage improvements in order to alleviate flooding concerns and provide a safe and adequate method of ingress and egress for residents of the Las Lomas Subdivision and surrounding area.

SECTION 2: It authorizes staff to negotiate with the owners for the acquisition of said tract of land by purchase at its market value as established by a State Certified Real Estate Appraiser.

SECTION 3: It further authorizes the Civil Legal Division to initiate condemnation proceedings to acquire said tract of land if staff is unable to acquire through negotiations due to inability to agree to a purchase price, conflict of ownership, owner refusal to sell, and/or inability to locate a listed owner.

THIS ORDER shall be effective upon approval.

ORDERED this the ____ day of _____, 2019.

Honorable Tano E. Tijerina
Webb County Judge

ATTEST:
Honorable Margie Ramirez Ibarra
Webb County Clerk

BY: _____

APPROVED AS TO FORM:

Nathan R. Bratton
General Counsel

Civil Legal Division