

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 SURFACE DRAINAGE IMPROVEMENTS IN ORDER TO ALLEVIATE FLOODING CONCERNS AND PROVIDE SAFE INGRESS AND EGRESS TO THE LAS LOMAS SUBDIVISION, AND THE NECESSITY TO ACQUIRE A DRAINAGE EASEMENT ACROSS THE FOLLOWING PARCEL NECESSARY TO ADVANCE THE PROJECT: A 1.2856 ACRE TRACT BEING OUT OF AND PART OF TRACT 41, RANCHITO LAS LOMAS SUBDIVISION RECORDED IN VOLUME 3, PAGE 13A, PLAT RECORDS OF WEBB COUNTY, 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 property for the construction of surface drainage improvements in order to alleviate flooding concerns, and necessity to acquire a drainage easement across and out of the following parcel necessary to advance the project: A

1.2856 acre tract being out of and part of Tract 41, Ranchito Las Lomas
Subdivision Recorded in Volume 3, Page 13A, Plat Records of Webb County,

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