



REGIONAL WATER DISTRICT

RESOLUTION

RESOLUTION # 2019 -01

A RESOLUTION OF THE BOARD OF DIRECTORS DEEMING NECESSITY AND AUTHORIZING ACQUISITION OF PROPERTY, INCLUDING EXERCISING THE POWER OF EMINENT DOMAIN, FOR CONSTRUCTION OF THE PARALLEL PIPELINE FROM TAYLOR WATER TREATMENT PLANT TO STONE HILL PUMP STATION PROJECT, WHICH PIPELINE IS PART OF THE REGIONAL TREATED WATER SYSTEM.

WHEREAS, the Upper Trinity Regional Water District is designing the Parallel Pipeline from Taylor Water Treatment Plant to Stone Hill Pump Station Project in order to construct a new pipeline generally parallel to the existing pipeline to increase the capacity and provide redundancy to meet the increasing water demands; and

WHEREAS, the District needs to acquire property for the installation, construction, maintenance and completion of the said Pipeline Project, which acquisition may require the exercise of the District's power of eminent domain; and

WHEREAS, the District has the power of eminent domain as enacted in Chapter 1053 Acts of the 71st Legislature, Reg. Session 1989, as amended by S.B. 835, Sec. 2, Subsec. (c), Sec. 1 - 77th Leg., and when necessary the District may exercise its power of eminent domain to fulfill its responsibilities for regional wastewater service and the District will obtain the prior consent of the governing body of the city in which the District will exercise its power of eminent domain; and

WHEREAS, the public health and welfare create an urgent need for timely completion of the proposed Pipeline Project.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE UPPER TRINITY REGIONAL WATER DISTRICT:

SECTION 1. That all matters stated in the Preamble are found to be true and correct and are hereby incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2. That the Board of Directors of Upper Trinity Regional Water District has determined that to permit construction and implementation of the planned Parallel Pipeline from Taylor Water Treatment Plant to Stone Hill Pump Station Project it is necessary, urgent, and appropriate to acquire through negotiation (where possible), and if necessary, exercise the power of eminent domain to obtain the necessary land, easements, rights-of-way and other property rights as are deemed necessary to provide such services to the public, in accordance with the general alignment and locations indicated approximately on the right-of-way map attached as (EXHIBIT "A").

SECTION 3. That if the Power of Eminent Domain is exercised, the firm of Kelsey, Kelsey and Hickey, the District's attorneys, are authorized to institute all necessary and proper legal proceedings for the condemnation of said property interests; and, it is not necessary for the law firm to seek further authority from the Board of Directors to initiate and maintain such condemnation proceedings. Larry N. Patterson, Executive Director, shall have general authority to engage the services of said law firm and oversee the process, procedure, and any settlements.

SECTION 4. That the District's attorneys are hereby authorized, with concurrence by the Executive Director, to retain the services of such expert witnesses as deemed necessary to make proper presentation of any condemnation matter.

SECTION 5. That this Resolution shall become effective immediately upon its passage.

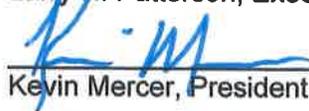
DULY PASSED AND APPROVED THIS 7th DAY of FEBRUARY, 2019.

Recommended:



Larry N. Patterson, Executive Director

Executed:



Kevin Mercer, President

Attest:



Mike Fairfield, Secretary

Attachments: Exhibit

EXHIBIT "A"

