AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, DECLARING THE NECESSITY TO ACQUIRE UTILITY EASEMENTS FOR PROPOSED WATER AND SANITARY SEWER LINES ON FM 565 IN CHAMBERS COUNTY, TEXAS, CONSISTING OF (I) 0.0133 ACRES OUT OF A 0.6592-ACRE TRACT SITUATED IN THE CHRISTIAN SMITH SR. SURVEY, ABSTRACT NO. 22, CHAMBERS COUNTY, TEXAS, AND OWNED BY NAVEED INTEREST, INC., AS RECORDED IN VOLUME 891, PAGE 313 OF THE CHAMBERS COUNTY DEED RECORDS; AND (II) 0.2769 ACRES OUT OF A 1.506-ACRE TRACT SITUATED IN THE CHRISTIAN SMITH SR. SURVEY, ABSTRACT NO. 22, CHAMBERS COUNTY, TEXAS, OWNED BY GARY D. SAVELL AS RECORDED IN VOLUME 392, PAGE 322 OF THE CHAMBERS COUNTY DEED RECORDS FOR THE FM 565 WATER LINE AND SANITARY SEWER LINE PROJECT; DETERMINING THE PUBLIC NECESSITY FOR SUCH ACQUISITION; AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR THE UTILITY LINES AND ASSOCIATED USES; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER OF THE CITY OF BAYTOWN, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND ORDINANCES; AND AUTHORIZING THE CITY ATTORNEY OR DESIGNEE TO INSTITUTE CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY IF PURCHASE NEGOTIATIONS ARE NOT SUCCESSFUL; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Baytown, Texas ("City Council"), has determined that

1. A utility easement for water and sanitary sewer lines consisting of 0.0133 acres out of a 0.6592-acre tract situated in the Christian Smith Sr. Survey, Abstract No. 22, Chambers County, Texas, and owned by Naveed Interest, Inc., as recorded in Volume 891, Page 313 of the Chambers County Deed Records, being approximately 580 square feet (the “Naveed Easement”); and

2. A utility easement for water and sanitary sewer lines consisting of 0.2769 acres out of a 1.506-acre tract situated in the Christian Smith Sr. Survey, Abstract No. 22, Chambers County, Texas, owned by Gary D. Savell as recorded in Volume 392, Page 322 of the Chambers County Deed Records, being approximately 12,060 square feet (the “Savell Easement”)

is appropriate for use by the City of Baytown for the City’s FM 565 Water Line and Sanitary Sewer Line Project and associated uses ("Utility Project"), and that there exists a public necessity
to acquire the Naveed Easement and the Savell Easement, as easements for the City of Baytown’s Utility Project; and

WHEREAS, the Naveed Easement is more particularly described in Exhibit “A,” which is attached hereto and incorporated herein for all intents and purposes; and the Savell Easement is more particularly described in Exhibit “B,” which is attached hereto and incorporated herein for all intents and purposes; and

WHEREAS, the City Council desires to acquire the Naveed Easement and the Savell Easement for the aforementioned public uses in conjunction with the Utility Project because, in part, additional utility easements are necessary for the expansion of water and sanitary sewer service in Chambers County to facilitate development in the area; and

WHEREAS, the City Council desires that the City Manager, or designee, take all necessary steps to acquire the needed property interests, including, but not limited to the retention of appraisers, engineers and other consultants and experts, and that the City Attorney, or designee, negotiate the purchase of the property interests and, if unsuccessful in purchasing the needed property interests, to institute condemnation proceedings to acquire the Naveed Easement and the Savell Easement; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That 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 Baytown, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2: That the City Council hereby finds and determines that a public use and necessity exists for the Utility Project and for the City of Baytown to acquire the necessary property rights in the Naveed Easement and Savell Easement deemed necessary for the Utility Project, as allowed by law, together with all necessary appurtenances, additions and improvements in, over, under, and through those certain lots, tracts or parcels of land.

Section 3: The City Attorney, or designee, is authorized and directed to negotiate for and to acquire the required property rights for the City of Baytown, and to acquire said rights in compliance with State and Federal law. Moreover, the City Attorney, or designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights 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 of the property interests to be acquired, as well as any other experts or consultants that are deemed necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

Section 4: The City Manager, or designee, is appointed as negotiator for the acquisition of the needed property interests and, as such, the City Manager or designee 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 City Council for such purpose.
Section 5: If the City Manager or designee determines that an agreement as to damages or compensation cannot be reached, then the City Attorney or designee is hereby authorized and directed to make the final offers in accordance with law as listed below to the below-named owners, or other parties in interest believed to be the true owners of said property or to the actual real and true owners thereof, whether correctly named or not, for the purchase and acquisition by the City of Baytown of property necessary for the Utility Project:

<table>
<thead>
<tr>
<th>PROPERTY</th>
<th>OWNER</th>
<th>FINAL OFFER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Naveed Easement</td>
<td>Naveed Interests, Inc.</td>
<td>$3,190.00</td>
</tr>
<tr>
<td>Savell Easement</td>
<td>Gary D. Savell</td>
<td>$17,876.00</td>
</tr>
</tbody>
</table>

Additionally, the City Attorney is authorized to file or cause to be filed, against the owner(s) and interested parties of the needed property interests, proceedings in eminent domain to acquire the above-stated interests in Naveed Easement and Savell Easement.

Section 6: Should such offer be accepted, the money above set forth shall be paid out of any appropriation heretofore made for the public purposes for which the above-described property interests are required. Should such offer not be accepted, the amount finally awarded to the owner in the condemnation proceeding, plus costs, fees and expenses shall be paid out of such funds so appropriated.

Section 7: This ordinance shall take effect immediately from and after its passage by the City Council of the City of Baytown.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown this the 18th day of November, 2013.

__________________________________________
STEPHEN H. DONCARLOS, Mayor

ATTEST:

__________________________________________
LETICIA BRYSCHE, City Clerk

APPROVED AS TO FORM:

__________________________________________
IGNACIO RAMIREZ, SR., City Attorney