

RESOLUTION

WHEREAS, Lubbock County, Texas (the "County"), is a political subdivision of the State of Texas and is authorized under Texas Property Code Chapter 21, and Texas Local Government Code Chapter 261, to acquire interests in privately owned lands which are necessary for the public use;

WHEREAS, the County has reviewed such studies, designs, surveys, and plans as it has deemed necessary and has found and determined that the public necessity and convenience requires permanent public improvements to its road system, including, but not limited to, Woodrow Road, located in the southern portion of the county, which is in need of expansion and repairs from Highway 87 to Slide Road ("the Project"), and the construction and operation of the Project constitutes a valid public use of the County and its citizens;

WHEREAS, the County of Lubbock held a Special Election among the voters in the County, and the voters authorized and approved the use of road tax bonds in order to provide funds for permanent public improvements to the County road system, including the Project;

WHEREAS, the County has determined that the construction and operation of the Project constitutes a valid public use of the County and its citizens, and it is necessary to acquire or use portions of property adjacent to or within the planned corridor of the Project;

WHEREAS, in order to complete the Project, the County, by and through its authorized representatives and agents, must engage with landowners whose property will be impacted by the Project, to discuss acquisition of a permanent easement or other real property interest from the landowner for the Project ("Property Interests");

WHEREAS, the County is aware that some impacted landowners may be unwilling or unable to grant Property Interests needed by the County for the Project; and

WHEREAS, the construction of the Project will be impeded unless the Property Interests are acquired by the County;

NOW, THEREFORE,

BE IT RESOLVED BY THE COMMISSIONERS COURT OF THE COUNTY OF LUBBOCK:

THAT the Commissioners Court has found, and again finds, that a public use and necessity exists to construct and operate the Project to serve the citizens of the County of Lubbock, Texas, and that the public welfare and convenience requires the acquisition of the Property Interests for the Project, and the County of Lubbock, Texas does hereby authorize and approve the use of eminent domain, pursuant to Texas Property Code

Chapter 21, and Texas Local Government Code Chapter 261 to acquire Property Interests from landowners for the Project. The Commissioners Court hereby further finds and determines that the acquisition of the Property Interests is for a public use, to serve the public and the citizens of the County of Lubbock, Texas.

BE IT FURTHER RESOLVED BY THE COMMISSIONERS COURT OF THE COUNTY OF LUBBOCK:

THAT, without in any way limiting the authority previously granted to any person in the County's Public Works Department, both the County Judge and Jennifer Davidson, Director of Public Works Department, are each independently authorized and empowered to (1) enter into agreements with third parties to assist with and carry out specific tasks for the Project, with such third party agreements to be subject to approval by the County; (2) apply for and obtain, or cause to be applied for and obtained, in the name and on behalf of the County any injunctive proceedings necessary or appropriate in connection with or as a protection of interests in real property acquired or sought to be acquired by the County for the Project; (3) determine and specify the necessary or desirable easements, rights-of-way and other property, estates and interests in land for the Property Rights to be acquired for the construction and maintenance of the Project, whether acquired through negotiations, eminent domain proceedings or otherwise; (4) negotiate, or cause good faith negotiations to be conducted, with landowners with respect to the acquisition of such Property subject to the Commissioners Court's final approval of any such negotiations; (5) to acquire such Property Rights, or cause such Property Rights to be acquired by purchase or, if the same cannot be acquired through negotiations, by condemnation through eminent domain proceedings under the applicable laws of the State of Texas; (6) to institute, file and prosecute, in the name and on behalf of the County, eminent domain proceedings for the condemnation of such Property Rights as may be necessary or desirable for the purpose of locating, constructing, and maintaining the Project in the event the same cannot be acquired through the negotiation and purchase of such rights for a mutually agreed upon price; (7) to otherwise fully provide for the location, routing, construction, and maintenance of the Project; and (8) to retain outside counsel, with such proposed counsel separately authorized and approved by the Commissioners Court, to commence and prosecute eminent domain proceedings to acquire Property Interests from landowners owning or having an interest in property impacted by the Project, and the County hereby authorizes and directs the filing and prosecution of eminent domain proceedings by the County of Lubbock, Texas to acquire the Property Interests.

BE IT FURTHER RESOLVED BY THE COMMISSIONERS COURT OF THE COUNTY OF LUBBOCK:

THAT the County hereby finds that the purported record title owners of said Property Interests are those listed on **Exhibit A**, and without limiting the general authorization provided above, the County further authorizes joinder of additional or differing owner or owners, interest holder or interest holders, or claimant or claimants, of the Property Interests, if applicable, in any eminent domain proceedings, and to condemn the interests of each such parties to acquire the Property Interests, as needed.

BE IT FURTHER RESOLVED BY THE COMMISSIONERS COURT OF THE COUNTY OF LUBBOCK:

THAT the County Judge, or his designee, shall have the authority to do all things necessary or appropriate to acquire the Property Interests by eminent domain, including without limitation, the authority to expend funds related to the prosecution of such eminent domain proceedings.

BE IT FURTHER RESOLVED BY THE COMMISSIONERS COURT OF THE COUNTY OF LUBBOCK:

THAT any and all acts of the County Judge, employees, agents and attorneys of the County pursuant to, in accordance with, or in furtherance of the purposes and intent of the foregoing authorizations, whether prior or subsequent to the adoption of these resolutions, be and they are hereby ratified, confirmed, approved and adopted in all respects.

BE IT FURTHER RESOLVED BY THE COMMISSIONERS COURT OF THE COUNTY OF LUBBOCK:

THAT the recitals provided in this Resolution, as set forth above, are specifically and expressly adopted by the County as express findings by the County.

Passed by the Commissioners Court this _____ day of _____, 2022.

CURTIS PARRISH, COUNTY JUDGE

ATTEST:

Kelly Pinion, County Clerk

APPROVED AS TO FORM:

Neal Burt, Civil Division Chief
Lubbock County Criminal District Attorney's Office