

RESOLUTION 2012-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTON LAKES, TEXAS, AUTHORIZING THE MAYOR TO SUBMIT A LETTER TO THE STATE COMPTROLLER OF PUBLIC ACCOUNTS DETAILING THE CITY'S LEGAL AUTHORITY TO EXERCISE THE POWER OF EMINENT DOMAIN, AS REQUIRED BY SENATE BILL 18 ENACTED BY THE 82ND LEGISLATURE.

WHEREAS, Senate Bill 18, enacted by the 82nd Legislature, requires all public and private entities that are authorized to exercise the power of eminent domain to submit a letter to the Comptroller of Public Accounts detailing their legal authority to exercise this power; and

WHEREAS, entities that fail to provide this letter by December 31, 2012, will cause that entity's power of eminent domain to expire; and

WHEREAS, the City of Weston Lakes is authorized to exercise the power of eminent domain through multiple provisions of state law, and

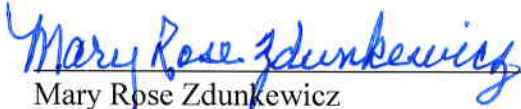
WHEREAS, to preserve this power the City Council deems it in the best interest of the City to authorize the Mayor to submit a letter to the Comptroller of Public Accounts detailing the City's authority as provided by law; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTON LAKES, TEXAS:

Section 1. That the City Council hereby approves the letter to the Comptroller of Public Accounts detailing the City's legal authority to exercise the power of eminent domain in substantially the same form as Exhibit A hereto and incorporated herein.

Section 1. That the Mayor is hereby authorized and directed to submit the letter and any other needed documentation, to Susan Combs, the Texas Comptroller of Public Accounts, to preserve the City's power of eminent domain, as required by Senate Bill 18.

PASSED AND APPROVED this 20th day of August, 2012.



Mary Rose Zdunkewicz
Mayor City of Weston Lakes

ATTEST



Marlee Freeman, City Secretary



August 20, 2012

CERTIFIED MAIL, RETURN RECEIPT REQUESTED #77011 0470000331126875

Susan Combs
Texas State Comptroller
P. O. Box 13528, Capitol Station
Austin, TX 78711-3528

Re: Eminent Domain Authority of the City of Weston Lakes, Texas.

Dear Ms. Combs:

This letter is being provided pursuant to Senate Bill 18 amending Chapter 2206 of the Texas Government Code. Senate Bill 18, enacted by the 82nd Legislature, requires all public and private entities that are authorized to exercise the power of eminent domain to submit a letter to the Comptroller of Public Accounts detailing their legal authority to exercise this power.

The City of Weston Lakes, Texas (the "City") is a Type B general-law municipality. The City has the power of eminent domain expressly pursuant to Chapter 251 of the Texas Local Government Code. This power specifically derives from Section 251.001 and the exercise of this power is governed by Chapter 21 of the Texas Property Code.

Additionally, the following citations grant the City additional general and specific authority to exercise the power of eminent domain:

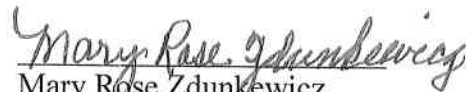
Citation	Title
Tex. Loc. Gov't Code § 43.136	Authority of a Special-Law Municipality to Annex for Limited Purposes along Navigable Stream
Tex. Loc. Gov't Code § 251.001	Right of Eminent Domain
Tex. Loc. Gov't Code § 214.136	Condemnation of Property
Tex. Loc. Gov't Code § 241.903	Acquisition of Air Rights or Other Property
Tex. Loc. Gov't Code § 273.001	Acquisition of Property; Exercise of Police Power
Tex. Loc. Gov't Code § 280.001	Land for Use of United States
Tex. Loc. Gov't Code § 281.050	Acquisition of Land and Other Property
Tex. Loc. Gov't Code § 281.051	Eminent Domain

Tex. Loc. Gov't Code § 331.001	General Authority
Tex. Loc. Gov't Code § 331.003	Eminent Domain
Tex. Loc. Gov't Code § 335.071	General Powers of District
Tex. Loc. Gov't Code § 374.015	General Municipal Powers Relating to Urban Renewal
Tex. Loc. Gov't Code § 379B.0045	Eminent Domain
Tex. Loc. Gov't Code § 392.056	Acquisition, Use, and Disposition of Real and Personal Property
Tex. Loc. Gov't Code § 392.061	Eminent Domain
Tex. Loc. Gov't Code § 504.106	Eminent Domain
Tex. Loc. Gov't Code § 505.105	Eminent Domain
Tex. Loc. Gov't Code § 507.103	Eminent Domain
Tex. Loc. Gov't Code § 552.002	Certain Public Services & Utility Systems in Home-Rule Municipality
Tex. Loc. Gov't Code § 552.011	Use of Eminent Domain Power
Tex. Loc. Gov't Code § 552.012	Municipalities in or Contracting with a Water District
Tex. Loc. Gov't Code § 552.013	Water System in Municipalities with Population of More Than 1,000
Tex. Loc. Gov't Code § 552.102	Eminent Domain by Municipal Sewer Providers
Tex. Loc. Gov't Code § 552.123	Authority of Board of Trustees
Tex. Loc. Gov't Code § 571.004	Acquisition of Property, Eminent Domain
Tex. Loc. Gov't Code § 572.013	Use of Eminent Domain
Tex. Loc. Gov't Code § 601.027	Powers of Authority
Tex. Loc. Gov't Code § 601.040	Acquisition of Real Property
Tex. Gov't Code § 1505.114	Eminent Domain
Tex. Gov't Code § 1506.060	Eminent Domain
Tex. Health & Safety Code § 262.028	Eminent Domain
Tex. Health & Safety Code § 265.052	Eminent Domain
Tex. Transp. Code § 22.011	General Powers Regarding Airports & Air Navigation Facilities
Tex. Transp. Code § 173.159	Eminent Domain
Tex. Transp. Code § 224.002	Acquisition by County or Municipality Generally
Tex. Transp. Code § 311.032	Establishment of Freeway
	Assessment for Opening, Extending, or Widening of Street or Alley in Home-Rule Municipality
Tex. Transp. Code § 311.092	Acquisition of Property for Highway Improvements by Municipality
Tex. Transp. Code § 314.011	Eminent Domain
Tex. Transp. Code § 317.007	Use and Acquisition of Property by Others
Tex. Transp. Code § 451.069	Construction and Maintenance of Utility, Common Carrier, Cable Operator, and Energy Transporter Facilities
Tex. Util. Code § 186.054	Eminent Domain
Tex. Water Code § 11.033	Adoption or amendment of home rule charter
Tex. CONST. Art. XI, § 5	

In addition to the provisions identified above, the City reserves the right, if ever it is a home-rule municipality, to exercise the power of eminent domain as authorized by the Constitution of the State of Texas unless a prohibition of the City's use of said power is set forth in unmistakably clear language in the Constitution, general laws or special laws of this State.

Further, the City has the authority to exercise the power of eminent domain through entities that the laws of the State of Texas authorize the City to create, control, and/or participate in, that have been or in the future will be created by the City and that are or will be granted eminent domain power through general and special statutes adopted by the Legislature for that purpose, none of which are waived or abandoned by the City, directly or indirectly.

Sincerely,


Mary Rose Zdunkewicz
Mayor, City of Weston Lakes