

City of Cottonwood Shores

ORDINANCE 13005

AN ORDINANCE DECLARING A NECESSITY AND PUBLIC CONVENIENCE FOR TAKING CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF COTTONWOOD SHORES.

History: November 15, 2012: Repealed Ordinance 062493-1A and adopted Ordinance 13005.

WHEREAS, the City of Cottonwood Shores has approved the construction of a wastewater treatment system; and

WHEREAS, the voters of the city have approved of the construction of the wastewater treatment system; and

WHEREAS, the Council has determined that it is necessary to take, by eminent domain, certain lots located within the city limits of the city of Cottonwood Shores; and

WHEREAS, the lots to be taken shall be used for a public and governmental purpose.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS:

1. The Council of the city of Cottonwood Shores hereby declares a public necessity and convenience for taking the following described property in Cottonwood Shores, Burnet County, Texas:

- 1) Lot 684, Scarlet Oaks Section, Cottonwood Shores Subdivision, Burnet County, Texas
- 2) Lot 158, Scarlet Oaks Section, Cottonwood Shores Subdivision, Burnet County, Texas
- 3) Lot 451, Scarlet Oaks Section, Cottonwood Shores Subdivision, Burnet County, Texas
- 4) Lot 543, Scarlet Oaks Section, Cottonwood Shores Subdivision, Burnet County, Texas
- 5) Lot 515, Scarlet Oaks Section, Cottonwood Shores Subdivision, Burnet County, Texas
- 6) Lot 297, Scarlet Oaks Section, Cottonwood Shores Subdivision, Burnet County, Texas
- 7) Lot 428, Yellowstone Section, Cottonwood Shores Subdivision, Burnet County, Texas
- 8) Lot 513, Yellowstone Section, Cottonwood Shores Subdivision, Burnet County, Texas

2. The Council finds that the above described properties are needed in connection with the construction and/or operation of the proposed wastewater treatment system previously approved by the voters and the Council of the City of Cottonwood Shores.

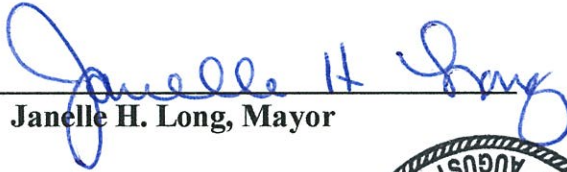
3. The Council directs that an offer to purchase the above described lots at fair market value be delivered to the record owner of each of the above described lots by certified mail, return receipt requested, at the last known address of the record owner of such lot. In the event that the record owner cannot be found, then such notice shall be published one time in the official newspaper of the City. This notification shall give the owner a reasonable time to respond to the offer. Unless one of the owners objects, a reasonable time shall be deemed to be 10 days from the date of mailing of the notice.

ORIGINAL

4. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion thereof, and all provisions of this ordinance are declared severable for that purpose.

ORIGINAL ORDINANCE SIGNED AND APPROVED THIS 24TH DAY OF JUNE, 1993.

CODIFIED ORDINANCE PASSED THIS THE 15th DAY OF NOVEMBER 2012, AT A MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, THERE BEING A QUORUM PRESENT, BY 4 YEAS AND 0 NAYS.



Janelle H. Long, Mayor



ATTEST:



Sheila C. Moore, City Secretary