

## **RESOLUTION 23-27**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION: (1) FEE SIMPLE TITLE TO THE PROPERTIES IN THE AVALON SUBDIVISION MORE PARTICULARLY DESCRIBED AND SHOWN IN EXHIBITS A-F; AND (2) TEMPORARY CONSTRUCTION EASEMENTS IN THE PROPERTIES IN THE AVALON SUBDIVISION MORE PARTICULARLY DESCRIBED AND SHOWN IN EXHIBITS G-H, FOR DRAINAGE IMPROVEMENT PURPOSES IN CONNECTION WITH CDR2105/CDR2107 BRAZOS LANDING DRAINAGE IMPROVEMENTS AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.**

WHEREAS, in recent years, the City of Sugar Land has experienced several major storm events that have caused structure flooding and severe street ponding in several areas; and

WHEREAS, in 2018 the City conducted a drainage study that identified improvements necessary to reduce street ponding along Elkins Blvd. and Commonwealth Blvd. in order to provide one passable lane during major storm events along major roadways; and

WHEREAS, the study recommended improving the Fort Bend County Levee Improvement District 14's outfall weir structure and enlarging the existing storm water pipes along Elkins and Commonwealth; and

WHEREAS, reconstruction of the existing drainage system in this area will reduce street ponding depths and durations during major storm events and improve emergency thoroughfare access; and

WHEREAS, funding for this project was included by the voters as part of Proposition A of the 2019 GO Bond; NOW, THEREFORE,

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:**

**Section 1.** That the City Council adopts the findings and recitals set forth in the preamble of this Resolution.

**Section 2.** That the public necessity requires the acquisition of fee simple title to the following properties, as more particularly described in the attached Exhibits A - G, which are incorporated into this Resolution, for drainage improvements in connection with CDR2105/CDR2107 Brazos Landing Drainage Improvements:

A. Being a parcel of land containing 0.0148 of an acre (644 sq. ft.) of land and being out of that called 2.651 acre Restricted Reserve "C", restricted to Dow Chemical Company pipeline easement, landscaping and drainage, according to the map or plat of Avalon Villages of Avalon, Section Four recorded in Slide No. 1787, Pages A-B, Plat Records of

Fort Bend County (P.R.F.B.C.), Texas, as more particularly described and shown in Exhibit A (“Property 1”);

B. Being a parcel of land containing 0.1208 of an acre (5,263 sq. ft.) of land and being out of that called 15.211 acre, Reserve “I”, styled Tract “I”, restricted to Lake/Drainage Easement, and Detention Pond “Two”, according to the map or plat of Avalon, Meadows of Avalon, Section One, as recorded in Slide No. 1828A, 1828B, of the Plat Records of Fort Bend County (P.R.F.B.C.), Texas, as more particularly described and shown in Exhibit B (“Property 2”);

C. Being a parcel of land containing 0.0214 of an acre (932 sq. ft.) of land and being out of that 5.571 acres, Reserve “H”, styled Tract “H”, according to the replat of all of Tract “H”, and Lots 43, and 44, Block One, according to Avalon, Meadows of Avalon, Section One, Partial Replat, being 6.009 acres of land, as recorded in Slide No. 2105A, and 2105B, of the Plat Records of Fort Bend County (P.R.F.B.C.), Texas, as more particularly described and shown in Exhibit C (“Property 3”);

D. Being a parcel of land containing 0.0367 of an acre (1600 sq. ft.) of land and being out of that 5.490 acre Restricted Reserve “E” Lake/Detention Pond One, Avalon Villages of Avalon, Section Four, according to the map or plat thereof recorded in Slide No. 1787, Pages A-B, Plat Records of Fort Bend County (P.R.F.B.C.), Texas, as more particularly described and shown in Exhibit D (“Property 4”);

E. Being a parcel of land containing 0.0102 of an acre (443 sq. ft.) of land and being out of that 5.571 acres, Reserve “H”, styled Tract “H”, according to the replat of all of Tract “H”, and Lots 43, and 44, Block Four, according to Avalon, Meadows of Avalon, Section One, Partial Replat, as recorded in Slide No. 2105A, and 2105B, of the Plat Records of Fort Bend County (P.R.F.B.C.), Texas, as more particularly described and shown in Exhibit E (“Property 5”); and

F. Being a parcel of land, Part A and Part B, containing 0.2199 of an acre (9581 sq. ft.) of land; 0.1978 of an acre (8617 sq. ft), Part A, being out of that 0.241 of an acre, Reserve “K”, styled Tract “K”, according to the plat of Avalon, Meadows of Avalon, Section One, as recorded in Slide No. 1828A, and 1828B, of the Plat Records of Fort Bend County (P.R.F.B.C.), Texas, reserved for drainage easement and access purposes, to Fort Bend County Levee Improvement District No. 14 (F.B.C.L.I.D. No. 14), situated in the S. M. Williams League, Abstract Number 97, Fort Bend County, Texas, as more particularly described and shown in Exhibit F (“Property 6”).

**Section 3.** That the public necessity requires the acquisition of the following temporary construction easements, as more particularly described in the attached Exhibits G-H, which are incorporated into this Resolution, for drainage improvements in connection with CDR2105/CDR2107 Brazos Landing Drainage Improvements:

A. Being a parcel of land containing 0.0180 of an acre (783 sq. ft.) of land and being out of that called 15.211 acre, Reserve “I”, Styled Tract “I”, restricted to Lake/Drainage

Easement, and Detention Pond “Two”, according to the map or plat of Avalon, Meadows of Avalon, Section One, as recorded in Slide No. 1828A, 1828B, of the Plat Records of Fort Bend County (P.R.F.B.C.), Texas, as more particularly described and shown in Exhibit G (“TCE 1”); and

B. Being a parcel of land containing 0.0132 of an acre (577 sq. ft.) of land and being out of that called 15.211 acre, Reserve “I”, Styled Tract “I”, restricted to Lake/Drainage Easement, and Detention Pond “Two”, according to the map or plat of Avalon, Meadows of Avalon, Section One, as recorded in Slide No. 1828A, 1828B, of the Plat Records of Fort Bend County (P.R.F.B.C.), Texas, as more particularly described and shown in Exhibit H (“TCE 2”).

(Collectively, Property 1, Property 2, Property 3, Property 4, Property 5, and Property 6, are the “Properties” and “TCE 1” and “TCE 2” are the “TCEs”).

**Section 5.** That the City’s attorney is authorized and directed to acquire, by purchase or condemnation, the Properties and the TCEs free and clear of any liens, leases, restrictions or conflicting easements.

**Section 6.** That the City’s staff is directed to offer the most-current appraised value of the Properties and the TCEs to the respective property owners.

**Section 7.** That the City Manager is authorized to execute deeds and other documents in connection with the acquisition of the Properties and the TCEs in accordance with State law and City ordinances.

APPROVED on \_\_\_\_\_, 2023

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Joe R. Zimmerman, Mayor

ATTEST:

APPROVED AS TO FORM:

*DAnn Shea Smith*

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Natalie Serrano, Interim City Secretary

Attachments: Exhibit A: Property 1  
Exhibit B: Property 2  
Exhibit C: Property 3  
Exhibit D: Property 4  
Exhibit E: Property 5  
Exhibit F: Property 6  
Exhibit G: TCE 1

Exhibit H: TCE 2

Exhibit I: Map of project limits