

RESOLUTION NO. 38-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CONSENTING TO THE EXERCISE OF THE POWERS AND PRIVILEGES CREATED BY AND UNDER CHAPTER 935, ACTS OF THE 69TH LEGISLATURE OF THE STATE OF TEXAS, REGULAR SESSION, 1997, BY FALCON'S LAIR UTILITY AND RECLAMATION DISTRICT.

WHEREAS, Falcon's Lair Utility and Reclamation District (the "District") is a conservation and reclamation district created by Chapter 935, Acts of the 69th Legislature of the State of Texas, Regular Session, 1985, as amended by Chapter 1213, Acts of the 75th Legislature of the State of Texas, Regular Session, 1997 (collectively, the "Special Act") and operates pursuant to Chapters 49 and 54 of the Texas Water Code, as amended; and

WHEREAS, the District was created, organized and exists for the purpose of furnishing water, sewer, drainage and flood control facilities and services to the area within its boundaries and lies within the corporate limits of the City of Mesquite, Texas (the "City"); and

WHEREAS, Section 8(d) of the Special Act provides that before the District may exercise its power of eminent domain it must obtain the prior written consent of the City; and

WHEREAS, the District has submitted to the City a flood control project which includes filling land within the District in order to remove it from the 100-year flood plain (the "Flood Control Project"); and

WHEREAS, such project will require obtaining easements from the owners of approximately 100 tracts of land located outside the boundaries of the District to allow the 100-year flood plain to rise on their property and to increase the flow of water across their property (the "Easements"); and

WHEREAS, such project will also require the acquisition of fill-dirt in excess of the amount available from the owner of land within the District; and

WHEREAS, the District intends to negotiate with landowners outside the District for acquisition of the Easements and fill-dirt, but may need to utilize its power of eminent domain to acquire such Easements and fill-dirt; and

WHEREAS, the District has requested that the City consent to the District's exercise of its power of eminent domain in order to acquire the Easements and fill-dirt for the Flood Control Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the City of Mesquite hereby consents to the District's utilization and exercise of the powers and privileges created by and under Chapter 935, Acts of the 69th Legislature of the State of Texas, Regular Session, 1997, including, but not limited to, the power of eminent domain to acquire easements and fill-dirt for the Flood Control Project.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 6th day of September, 2005.



Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney