

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 44-2024

A RESOLUTION INSTITUTING THE CITY'S POWER OF EMINENT DOMAIN PURSUANT TO STATE LAW AND AT THE REQUEST OF THE JOINT AIRPORT BOARD, WHICH MANAGES THE KERRVILLE-KERR COUNTY AIRPORT; SUCH ACTION SOUGHT BY THE BOARD FOR IT TO ACQUIRE REAL ESTATE AS IT PERFORMS ITS DUTIES, TO INCLUDE IMPROVING, MAINTAINING, OPERATING, AND PROTECTING THE AIRPORT AS NECESSARY TO PERMIT ITS SAFE AND EFFICIENT OPERATION AND TO PREVENT, ELIMINATE, OR MARK AN AIRPORT HAZARD

WHEREAS, the City of Kerrville (City) and Kerr County (County) jointly own the real property upon which is located the Kerrville-Kerr County Airport, sometimes referred to as Louis Schreiner Field (Airport); and

WHEREAS, the City and County are parties to an *Restated Interlocal Agreement for the Continued Existence of a Joint Airport Board to Provide Management of Kerrville/Kerr County Airport* dated May 24, 2022 (Interlocal Agreement) that affirms the creation and continued existence of the Joint Airport Board (Board); and

WHEREAS, the Kerrville City Council has jointly, with the County, entered into a contract with the Texas Department of Transportation, General Aviation Division (TXDOT), to expand and make improvements at the Airport; and

WHEREAS, a project that the Board and TXDOT seek to undertake requires the Airport's acquisition of an approximately 54.9 acre tract of land, such property to be used by the Airport for runway expansion, safety areas, and other improvements; and

WHEREAS, the Airport, working through TXDOT, received an appraisal for the property and made an offer of such appraisal to the landowner Dark Sky Estates, LLC (Owner), in accordance with state law; and

WHEREAS, Owner rejected the appraisal, which thus now requires the City and County to authorize the use of eminent domain for the Airport to acquire the property described above;

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. City Council, after a request from the Board, institutes the City's power of eminent domain pursuant to state law (Chapter 22, Texas Transportation Code) for the Airport's acquisition of the 54.9 acres described above.

SECTION TWO. City Council requests and authorizes the Attorney General's Office of the State of Texas, which is representing TXDOT as to the eminent domain (condemnation) proceedings, to represent and take action on behalf of the City and authorizes the Airport Manager to execute all documents and undertake all action required by the State of Texas to initiate and finalize said proceedings.

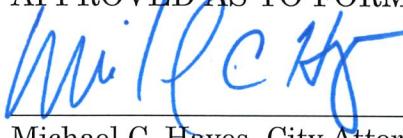
PASSED AND APPROVED ON this the 24 day of SEPTEMBER, A.D., 2024.


For Joe Herring, Jr. Mayor
BRENDA HUGHES, MAYOR PRO TEM

ATTEST:


Shelley McElhanon, City Secretary

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney