

BOARD RESOLUTION

STATE OF TEXAS

§

COUNTY OF KERR

§

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KERRVILLE INDEPENDENT SCHOOL DISTRICT'S
SCHOOL BOARD RESOLUTION
RELATING TO EMINENT DOMAIN

WHEREAS the Texas Legislature recently passed Senate Bill 18 which impacts the authority of school districts and other public entities to exercise the power of eminent domain to acquire real property; and

WHEREAS new legislation adds section 2206.101 to the Texas Government Code that sunsets the ability of school districts to exercise eminent domain on September 12, 2013 UNLESS specific action is taken by December 31, 2012; and

WHEREAS in order to retain the authority of eminent domain, Districts must submit to the Texas Comptroller a notice letter sent by Certified Mail Return Receipt Requested that: (1) states the District is authorized by the State of Texas to exercise the power of eminent domain; and (2) identifies each provision of law that grants the District that authority; and

WHEREAS failure of the Board of Trustees of Kerrville Independent School District to submit a qualified letter no later than December 31, 2012, results in expiration of the District's authority to condemn property for public purposes on September 1, 2013; and

WHEREAS the Board of Trustees of Kerrville Independent School District has the authority pursuant to Texas Constitution art. 1 §17 and Texas Education Code §§11.155 and 45.161 and Tex. Local Gov't Code Sections 273.001, .002 to condemn such real property for the benefit of the public;

NOW THEREFORE BE IT RESOLVED that Kerrville ISD recognizes the need for eminent domain for the benefit of the public and District and hereby elects and declares to retain its eminent domain authority; and

BE IT FURTHER RESOLVED that the Board of Trustees of Kerrville Independent School District hereby orders the recording of this resolution in the minutes of the Board; and

BE IT FURTHER RESOLVED that the Board of Trustees hereby authorizes its Superintendent to notify the Texas Comptroller by certified mail, return receipt requested that such election has been made and sign any/all documents required for this particular transaction described above.

The above resolution being read, a motion to adopt was made by Roger Ayala, duly seconded by Jack M. Stevens Jr.

Those voting "AYE":

David Sprouse, M.D. ;

Patrick Freedle ;

Jack M. Stevens, Jr. ;

Ray Orr ;

Rolinda Schmidt ;

Katherine Sutherlin ;

Roger Ayala .

Those "OPPOSED":

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_____ ;

_____ ;

_____ .

Absent and Not Voting:

_____ ;

_____ .

MOTION Passed _____ .

SIGNED this 15 day of May , 2012.

David Sprouse MD.

President, Board of Trustees
Kerrville I.S.D.

Attest:

Rolinda Schmidt

Secretary