

**A RESOLUTION OF THE BEEVILLE INDEPENDENT SCHOOL
DISTRICT BOARD OF TRUSTEES
REGARDING EMINENT DOMAIN**

On the ____ day of November, 2012, the Board of Trustees of the Beeville Independent School District (“District”) adopted by vote the following findings and resolution:

WHEREAS, the District is authorized to exercise the power of eminent domain by Article I, Section 17, of the Texas Constitution and Texas Education Code §11.155, which states that:

[a]n independent school district may, by the exercise of the right of eminent domain, acquire the fee simple title to real property on which to construct school buildings or for any other public use necessary for the district.

WHEREAS, the District is required by Government Code §2206.101(b) to submit by certified mail a letter to the Comptroller stating that the District is authorized by the state to exercise the power of eminent domain and identifying each provision of law that grants the District that authority; and

WHEREAS, pursuant to Government Code §2206.101(b), failure to notify the Comptroller of the District’s legal authority to exercise the power of eminent domain by December 31, 2012, would result in expiration of the District’s ability to condemn private property for public use through eminent domain on September 1, 2013;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE BEEVILLE INDEPENDENT SCHOOL DISTRICT:

1. That the Board of Trustees authorizes the Superintendent to submit to the Comptroller the letter and completed form attached as Exhibit “A” to this Resolution in order to retain the ability to exercise the power of eminent domain granted by the Texas Constitution and Texas Education Code §11.155.

2. That it is hereby found, determined and declared that sufficient written notice of the date, time, place and subject of the meeting of District at which this Resolution was adopted was posted at a place convenient and readily accessible at all times to the general public for the time required by law preceding this meeting, as required by Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The Board of Trustees further ratifies, approves and confirms such written notice and posting thereof.

CERTIFICATE FOR RESOLUTION

I hereby certify that the foregoing Resolution was presented to the District during a meeting on November ____, 2012. A quorum of the Board of Trustees being then present, it was then duly moved and seconded that the Resolution be adopted, and such Resolution was then adopted according to the following vote:

Ayes: _____
Nays: _____
Abstentions: _____

To certify which, witness my hand and the official seal of the District this ____ day of November, 2012.

Nick Cardenas
President of the Board of Trustees

ATTEST:

John Fish
Secretary of the Board of Trustees

THE STATE OF TEXAS §
 § ACKNOWLEDGMENT
COUNTY OF BEE §

BEFORE ME, a Notary Public, on this day personally appeared NICK CARDENAS, known to me to be the person whose name is subscribed to the foregoing instrument, and having been sworn, upon his oath stated that he is the President of the Board of Trustees of the Beeville Independent School District; that he was authorized to execute such instrument pursuant to Resolution of the Board of Trustees adopted on November ____, 2012; and that said instrument is executed as the free and voluntary act and deed of such governmental unit for the purposes expressed therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of November, 2012.

Notary Public, State of Texas

EXHIBIT “A”



Required Documentation of Eminent Domain Authority in Texas

What action must be taken: Per Senate Bill 18 enacted by the 82nd Legislature, all public and private entities authorized to exercise the power of eminent domain in Texas are **required to submit a letter to the Comptroller of Public Accounts detailing their legal authority to exercise this power. The letter must be sent by certified, return receipt mail not later than December 31, 2012.** (Per the bill, the authority of an entity to exercise the power of eminent domain expires on September 1, 2013, unless the letter has been submitted by the deadline.)

About this form: This form is designed to guide entities in submitting the required information on eminent domain authority. Once the fields have been completed, the form can be printed and mailed via certified, return receipt to the address provided to meet the requirements of the bill.

Entity Information

- 1. Full, legal name of entity: _____
- 2. Alternate name of entity (if any): _____
- 3. Primary address: Street or P.O. Box _____
City, State, Zip Code _____
- 4. Primary phone number (with area code): _____
- 5. Entity contact: First name _____ Last name _____
Phone number (with area code): _____ E-mail address: _____
- 6. Alternate contact: First name _____ Last name _____
Phone number (with area code): _____ E-mail address: _____

Eminent Domain Authority

- 7. Does your entity have eminent domain authority in Texas? Yes No
- 8. If "yes" to question 7, please identify all of the applicable provisions of state law that grant eminent domain authority to this entity. Please cite as Title of Code or Article, Section Number/Name (for example, Texas Government Code, Section 43.136 or Article 7849, Auxiliary Water Laws).

- 9. Please indicate the first year in which this entity exercised eminent domain authority (if known): _____

DISCLAIMER: Chapter 2206, Subchapter C, Government Code (as added by Senate Bill 18, 82nd Regular Session) requires the Comptroller of Public Account to collect information and report to the Legislature all entities in the state of Texas that have the authority to exercise the power of eminent domain. Entities that provide information to the Comptroller represent and warrant that the information is accurate and complete to the best of their knowledge. **Entities that provide information acknowledge that it is their responsibility to submit a letter by certified mail, return receipt requested to the Comptroller's office, indicating that the Entity is authorized to exercise eminent domain authority and to identify each law that grants such authority.** The Entity further acknowledges that the Comptroller's office is not responsible to submit said letter, nor is it responsible for the Entity's failure to submit said letter as required by law, and that such failure may cause the entity's power of eminent domain to expire on September 1, 2013. The Entity also acknowledges that the Comptroller of Public Accounts is a state agency subject to Chapter 552 of the Texas Gov't Code (the "Texas Public Information Act") and court interpretations thereof, and that the information submitted to this office may be subject to disclosure to the public under Section 552.101, et seq., of the Code.

Under Ch. 559, Government Code, you are entitled to review, request, and correct information we have on file about you, with limited exceptions in accordance with Ch. 552, Government Code. To request information for review or to request error correction, contact us at the address on this form or sb18compliance@cpa.state.tx.us.

<p>Mail this form via certified mail to: COMPTROLLER OF PUBLIC ACCOUNTS P.O. Box 13942 Austin, Texas 78711</p>	By signing, I agree that the information is true and correct.	
	<p>sign here ➔</p> <p>_____</p> <p style="text-align: center;">Signature</p>	<p>_____</p> <p style="text-align: center;">Date</p>
	<p>_____</p> <p style="text-align: center;">Print Name/Title</p>	<p>_____</p> <p style="text-align: center;">Phone (area code and number)</p>

For questions or additional information, please e-mail: sb18compliance@cpa.state.tx.us or go to: www.window.texas.gov/sb18compliance



201 N. St. Mary's
(361) 358-7111

Beeville, TX 78102-2494
(361) 362-6046 Fax

Sue Thomas, Ed. D.
Superintendent

November 27, 2012

By Certified Mail, Return Receipt Requested
Texas Comptroller of Public Accounts
Post Office Box 13942
Austin, Texas 78711

Re: Beeville ISD's Documentation of Authority to Exercise Eminent Domain

Dear Madame Comptroller,

Pursuant to Government Code section 2206.101(b), the Beeville Independent School District ("District") hereby asserts that it is authorized by the State of Texas to condemn private property for public use through means of eminent domain. This authority is granted by Article I, section 17, of the Texas Constitution and Texas Education Code 11.155, which states that:

[a]n independent school district may, by the exercise of the right of eminent domain, acquire the fee simple title to real property on which to construct school buildings or for any other public use necessary for the district.

The District's Board of Trustees passed a Resolution with regard to this matter in a properly posted meeting, as reflected in the enclosed documents.

It is my understanding that, through timely submission of this letter, Resolution and form containing the information required by Government Code section 2206.101(b) by certified mail, return receipt requested, the District will retain the authority to exercise eminent domain beyond September 1, 2013, the sunset date indicated in the statute.

Please contact me if further information is needed.

Sincerely,

Dr. Sue Thomas
Superintendent of Schools

Enclosures