

**RIVER ROAD INDEPENDENT SCHOOL DISTRICT
BOARD OF EDUCATION
AMARILLO, TEXAS**

Subject: Eminent Domain Authority

Date: Monday, November 12, 2012

Presented By: Mike Hodgson
Business Manager

Related Page(s): This page +3

ACTION

BACKGROUND INFORMATION:

As discussed at the October 15 School Board meeting, Senate Bill 18 of the 82nd Legislature requires units of government to take specific action and submit a form to the Texas Comptroller of Public Accounts by December 31, 2012 if they desire to retain their authority to exercise the power of eminent domain.

The attached resolution, prepared by Mr. Stormer, and the attached form from the Comptroller's Office are required if River Road ISD wishes to retain such authority in the future.

Failure to file this form by December 31, 2012 results in the expiration of the authority to utilize the power of eminent domain on September 1, 2013.

PRESENTATION/PURPOSE:

This is the presentation of information concerning the school district's authority to exercise eminent domain.

BOARD ACTION REQUESTED:

It is requested that the board pass and sign the attached resolution to retain the authority to use the power of eminent domain, and to authorize Superintendent Owen to sign and return the required Comptroller's form (also attached) by December 31, 2012.

**RESOLUTION OF THE BOARD OF TRUSTEES
OF
RIVER ROAD INDEPENDENT SCHOOL DISTRICT**

The Board of Trustees of River Road Independent School District ("RRISD") does hereby make the following resolution concerning the authority of RRISD to exercise the power of eminent domain:

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

WHEREAS, the ability of school districts to exercise eminent domain expires on September 1, 2013, unless specific action is taken by December 31, 2012; and

WHEREAS, in order to retain the authority to exercise eminent domain, public school districts, including RRISD, 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 RRISD to submit such notice letter by December 31, 2012, shall cause the District to lose its eminent domain authority to acquire property for public purposes on September 1, 2013; and

WHEREAS, the RRISD Board of Trustees has the authority pursuant to the Texas Constitution, art. I, § 17; Texas Education Code §§ 11.155 and 45.161; and Texas Local Government Code §§ 273.001, .002, to acquire real property for the benefit of the public;

WHEREAS, the RRISD must exercise its eminent domain authority under the above identified statutes in the manner provided by and in compliance with Texas Property Code, Chapter 21;

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

BE IT FURTHER RESOLVED that the RRISD Board of Trustees hereby orders the recording of this resolution in the minutes of this RRISD Board meeting; and

BE IT FURTHER RESOLVED that the RRISD Board of Trustees hereby authorizes its Superintendent, or the Superintendent's designee, to notify the Texas Comptroller by certified mail, return receipt requested that such election has been made and grants the Superintendent, or his designee, the authority to execute any/all documents necessary to effectuate the actions contemplated by this Resolution.

This Resolution shall be in effect from and after its passage on the date shown below.

Passed and approved by the River Road Independent School District Board of Trustees on this 12th day of November, 2012.

River Road Independent School District

By: Stacey Johnson, President of the Board of Trustees

By: Kelly Venable, Secretary of the Board of Trustees



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: River Road Independent School District

2. Alternate name of entity (if any): _____

3. Primary address: Street or P.O. Box 9500 U.S. 287 North
 City, State, Zip Code Amarillo, TX 79108

4. Primary phone number (with area code): (806)381-7800

5. Entity contact: First name Randy Last name Owen
 Phone number (with area code): (806)381-7800 E-mail address: randy.owen@rrisd.net

6. Alternate contact: First name Mike Last name Hodgson
 Phone number (with area code): (806)381-7800 E-mail address: mike.hodgson@rrisd.net

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).

Under the implied authority and limitations imposed by Texas Constitution, art. I, § 17, the River Road Independent School District (Potter County) has express authority under Texas Education Code Sections 11.155 and 45.161 and Texas Local Government Code Sections 273.001 and 273.002 to exercise the right of eminent domain in the manner provided by and in compliance with Texas Property Code Section 21.001 et seq.

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.

By signing, I agree that the information is true and correct.

<p>Mail this form via certified mail to: COMPTROLLER OF PUBLIC ACCOUNTS P.O. Box 13942 Austin, Texas 78711</p>	<p>sign here </p> <p>Signature</p>	<p>November 12, 2012</p> <p>Date</p>
	<p>Randy Owen</p> <p>Print Name/Title</p>	<p>(806)381-7800</p> <p>Phone (area code and number)</p>