

**RESOLUTION AUTHORIZING ACQUISITION OF REAL PROPERTY  
INTERESTS AND INITIATION OF CONDEMNATION PROCEEDINGS**

WHEREAS, Port Freeport (the "Port") is a political subdivision of the State of Texas, a governmental agency, and a body politic and corporate, created under Section 59, Article XVI of the Texas Constitution, to make improvements for the navigation of inland and coastal waters, and for the preservation and conservation of inland and coastal waters for navigation and for control and distribution of storm and flood waters of rivers and streams in aid of navigation, and operating pursuant to Chapters 60 and 62 of the Texas Water Code and Section 59 of Article XVI of the Texas Constitution; and

WHEREAS, the Port is authorized by the Texas Water Code to exercise the power of eminent domain to acquire land adjacent or accessible by road, rail, or water to the navigable water and ports developed by it which may be necessary or required for any and all purposes incident to or necessary for the development and operation of the navigable water or ports within the district, or may be necessary or required for or in aid of the development of industries and business on the land to be acquired;

WHEREAS, the Port Commission has determined there is a public necessity and it serves a public use to undertake expansion of the Port Facilities (the "Facilities") for the development of business and industries upon the land, including appurtenances determined to be reasonable and necessary for the construction, installation, operation, and maintenance of such Facilities; and

WHEREAS, in order to establish, develop, and construct the Facilities, it will be necessary to acquire fee simple title of certain properties, public and private streets, public and private alleyways, and other property interests at the general locations and along the general routes shown on Exhibit A, said exhibit being made a part hereof for all purposes; and

WHEREAS, the Port Commission has determined that it is necessary, proper, serves a public use, is in the public interest, and a public necessity exists for the Port to acquire, by donation, purchase, or exercise of the power of eminent domain, fee simple title of certain properties, public and private streets, public and private alleyways, and other property interests for the construction, installation, operation, and maintenance of the Port's Facilities.

**BE IT RESOLVED BY THE PORT COMMISSION THAT:**

**Section 1.**

The declarations, determinations, and findings declared, made and found in the preamble of this Resolution are hereby adopted, restated, and made a part of the operative provisions hereof.

**Section 2.**

A. There exists a public necessity and it serves a public use for the Port to acquire, by donation, purchase, or exercise of the power of eminent domain, fee simple title of certain properties, public and private streets, public and private alleyways, and other property interests for the construction, installation, operation, and maintenance of the Port's Facilities and appurtenances thereto in the general area shown on Exhibit A; and

B. In the event the necessary property interests cannot be acquired voluntarily, the Port's legal counsel, under the direction of the Port's Executive Director and CEO, Phyllis Saathoff, is authorized to initiate legal proceedings to acquire such properties and fee simple interests including, without limitation, through the power of eminent domain.

### Section 3.

The Executive Director and CEO of the Port, as the Port's chief administrative official, is hereby delegated the following duties and responsibilities with respect to the supervision and oversight of the acquisition of and the pursuit of a judicial determination and declaration with respect to the property interests:

- a. In consultation with the Port's engineer, to determine the final location, for the Port's Facilities and appurtenances thereto to be constructed and installed;
- b. In consultation with the Port's engineer and attorneys, to determine the property rights to be acquired and the terms for such acquisitions, including, as the Executive Director and CEO may determine to be necessary or appropriate, whether to acquire fee simple interests, permanent or temporary easements, or other property interests, and to determine whether a judicial determination and declaration of the Port's rights in the properties, rights-of-way, easements and other property interests should be obtained;
- c. To negotiate, or delegate the authority to negotiate to such other individuals or entities as the Executive Director and CEO may deem appropriate, with the respective owner or owners of the properties at issue regarding the acquisition of fee simple title of the properties, public and private streets, public and private alleyways, and other property interests determined to be necessary for the construction, installation, operation, and maintenance of the Port's Facilities and appurtenances thereto;
- d. To obtain surveys and appraisals and authorize eminent domain and other legal proceedings necessary to acquire the properties, rights-of-way, easements and other property interests on and across which the Port's Facilities and appurtenances thereto are to be constructed and installed; and
- e. To do and perform all such other acts and things and to enter into, execute, and deliver all such certificates, agreements, acknowledgments, instruments, and other documents that, in the judgment of the Executive Director and CEO, are necessary or appropriate to effectuate and carry out the purposes of this Resolution.

### Section 4.

The Port's attorneys are hereby directed and authorized to take all appropriate steps to acquire the necessary property interests for the construction, installation, operation, and maintenance of the Port's Facilities and appurtenances thereto, including, but not limited to, retaining appraisers and other professionals and instituting and prosecuting legal proceedings. The Port's officers, directors and consultants are hereby directed and authorized to take all actions, and to assist the Port's attorneys as directed thereby, consistent with the terms of this Resolution.

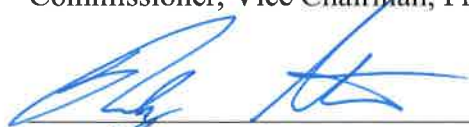
PASSED AND APPROVED this 10th day of October 2019.



Shane Pirtle, P.E.  
Commissioner, Chairman at Large

Absent

Paul Kresta  
Commissioner, Vice Chairman, Precinct 2



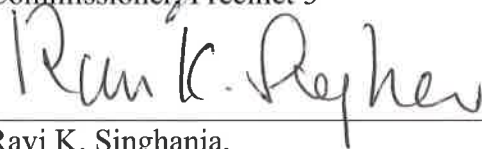
Rudy Santos  
Commissioner, Secretary, Precinct 4



John Hoss  
Commissioner, Asst. Secretary, Precinct 1



Dan Croft  
Commissioner, Precinct 3



Ravi K. Singhania,  
Commissioner, Precinct 1

ATTEST:



Rudy Santos, Secretary

(SEAL)



CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS       §  
  §  
COUNTIES OF BRAZORIA   §

I, the undersigned officer of the Port Commission of the Port Freeport, do hereby certify as follows:

1. The Port Commission of Port Freeport convened in regular session on the 10th day of October 2019, and the roll was called of the duly constituted officers and members of the Commission, to-wit:

Shane Pirtle, P.E.	Chairmen at Large
Paul Kresta	Vice Chairman
Rudy Santos	Secretary
John Hoss	Asst. Secretary
Dan Croft	Commissioner, Precinct 3
Ravi K. Singhania	Commissioner, Precinct 1

and all of said persons were present except Commissioner(s) Paul Kresta, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

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was introduced for the consideration of the Commission. It was then duly moved and seconded that the Resolution be adopted, that Port Freeport authorizes the use of the power of eminent domain to acquire fee simple title of certain properties, public and private streets, public and private alleyways, and other property interests at the general locations and along the general routes shown on Exhibit A, and that the first record vote shall apply to all units of property to be acquired for Port Freeport's expansion of Facilities for the development of business and industries upon the land to be acquired. After due discussion, the motion, carrying with it the adoption of the Resolution and authorization of the use of eminent domain, prevailed and carried unanimously. The minutes reflect that the first record vote applied to all units of property to be condemned.

2. That a true, full and correct copy of the aforesaid Resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that the Resolution has been duly recorded in the Commissions' minutes of the meeting; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the Commission as indicated therein; that each of the officers and members of the Commission was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid meeting, and that the Resolution would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; that the meeting was open to the public as required by law; and that public notice of the time, place, subject of the meeting, and consideration of the use of eminent domain was given as required by Chapter 551 of the Texas Government Code and Chapter 2206 of the Texas Government Code.

SIGNED AND SEALED the 10th day of October 2019.

(SEAL)



  
Secretary, Port Commission

Exhibit

“A”





— PORT PROPERTY



FREEPORT, TEXAS 77541

DWG TITLE

EAST END PROPERTY OWNERS