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PAGE 6A

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City of George West awards Katzfey estate

By Dylan Dozier
Editor

After a lengthy legal battle and a recommendation from court-appointed commissioners, the City of George West has elected to award the E. Mark Katzfey Trust \$306,770 for the land and easements required to operate the George West Sewer Plant.

The City of George West issued the following statement

at last week's city council meeting:

"The ownership of the property adjacent to the City of George West Waste Water Treatment Plant was sold to E. Mark Katzfey Trust in November of 2020, which resulted in the end of a long beneficial lease relationship between the heirs of George West and the City of George West in May 2023. With



Last week, the George West City Council unanimously voted to award Katzfey \$306,770. (Photo by Dylan Dozier)

SEE SEWER, P. 8A

SEWER, from P. 1A

new ownership the city sought to acquire 2.7 acres of land and restrictions required by the state adjacent to the plant. To facilitate this

acquisition from the E. Mark Katzfey Trust, professional attorneys, a real estate appraisal firm and civil engineers were hired. Unfortun-

nately, the city's initial offers were declined, and the city resorted to the process of Eminent Domain to acquire the property needed to continue the operation of the George West Sewer Plant. A suit was filed and on August 9, 2023, a hearing was held and the Katzfey trust was awarded \$306,770 by court-appointed commissioners in exchange for the property needed by the city. Regrettably, the professional fees and the remediation of four retention ponds next to the plant cost the city an additional \$214,839. This unforeseen expenditure will have a negative effect on the financial position of the City of George West now and in the future."

George West extended Katzfey their final offer on Feb. 17. The final offer, amounting to \$184,720, was based on an appraisal by real estate valuation and consulting firm Deal Sikes. The offer also included pond remediation on the City's dime. Katzfey considered this appraisal to be low but was willing to accept if he was given the opportunity to use

to irrigate hayfields on his property.

"The water was the bread crumb," Katzfey said. "And I thought that appraisal was low. They hired their appraiser. And so they got a low ball appraisal, which is fine, I kind of halfway expected that. I thought 'You know what? I'm not gonna fight them. I'll take their appraisal. Down the road, we want some kind of agreement that y'all would go and start pumping the wastewater back into that pond so I can irrigate with it when I want to down the road'. They just said no."

According to the city, their attorney assured them that granting Katzfey's request would require a substantial amount fiscally and more environmental red tape.

At the August 9 hearing, Commissioners Robert C. Weed, III and Leroy Wolff heard testimony from witnesses called by George West's Attorney Sue Ayers of Jackson Walker and Katzfey's representation Attorney Clint Schumacher of Dawson and Sodd.

Schumacher case was

founded upon the idea that Katzfey's land was less valuable because of the sewer plant. He made the case that there was a stigma about living beside a sewer plant and that the supposed stigma could keep people from purchasing the land for development. Perhaps the most interesting part of Schumacher's case was the acknowledgement of numerous TCEQ violations handed down to the City of George West over their waste water treatment plant.

The first of the acknowledged violations begin on March 30, 2020 and the most recent was handed down in the Spring 2023.

Ayers argued that these were just alleged violations and aimed to challenge the validity of the appraisal of Katzfey's appraiser Jonathan Archer of Archer Appraisal Co.

Ayers also raised the question of whether Katzfey was entitled to the monetary amount he was seeking or if he was just a money hungry business owner looking to take the city for a ride.

"I bought the land. I

didn't put the city in that position. They put themselves in a position," Katzfey said. "I didn't make the contract with them. The city had plenty of opportunities to buy that property themselves. And I didn't take him for a ride. We made an offer. We had offered to make an appraisal. We got an appraisal... At the end of the day, we had two appraisals and we met in the middle. How is that taking anybody for a ride? If they would have not followed suit, that's what would have happened without all the lawyer fees."

The acquisition includes .26 acres of water and sewage pipeline access easements, 2.74 acres for sewage treatment and disposal, a .12 acre access easement and a 30.78 acre buffer zone.

The buffer zone, required by the TCEQ, is allotted acreage that can not be developed in perpetuity.

Stay tuned for a more in-depth look at the George West Waste Water facility and the repercussions of the case with Katzfey.

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