

NORTH TEXAS MUNICIPAL WATER DISTRICT

RESOLUTION NO. 25-51

A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE RIGHT-OF-WAY FOR THE MCKINNEY PROSPER SEWER IMPROVEMENTS, PROJECT NO. 501-0641-24, AND DELEGATING AUTHORITY TO INITIATE CONDEMNATION PROCEEDINGS TO THE NTMWD EXECUTIVE DIRECTOR

WHEREAS, the NTMWD Board of Directors previously authorized the engineering design of the McKinney Prosper Sewer Improvements Project No. 501-0641-24 (Project); and,

WHEREAS, it is necessary to proceed with the acquisition of permanent and temporary easements required for the construction, operation, and maintenance of Project improvements; and,

WHEREAS, it may be necessary to acquire easements required for the Project through the use of eminent domain in the event negotiations are unsuccessful; and,

WHEREAS, it will be necessary to hire contracted land agents or acquisition companies, appraisers and attorneys, in order to negotiate easements required for the Project; and,

WHEREAS, adequate funds are provided from the Upper East Fork Interceptor System Extendable Commercial Paper (ECP) Program for the acquisition of properties needed for the Project.

NOW, THEREFORE, THE BOARD OF DIRECTORS IN A REGULAR MEETING DETERMINES AND RESOLVES THAT:

1. There is a public need for and that the public welfare and convenience are to be served by the construction of the pipeline and appurtenances associated with the McKinney Prosper Sewer Improvements, Project No. 501-0641-24, to serve the wastewater needs of the Districts member and customer cities.
2. It is in the best interest and is necessary to acquire permanent easements, temporary construction easements, and access easements necessary for the construction of the pipeline and appurtenances for the Project across the general route as generally described in Exhibit "A" attached hereto, and incorporated by reference herein, to provide the area required for prosecution of the work, and operation, maintenance, repair, and other such purposes as may be required to provide for the continual an uninterrupted operation of the pipeline facilities.
3. The power to initiate eminent domain proceedings is hereby delegated to the Executive Director and is hereby authorized to take all steps necessary to acquire the property and easements for the Project, including the hiring of negotiators, appraisers, surveyors, Title Company, and attorneys.
4. The Executive Director is authorized to employ the firm of Saunders, Walsh & Beard, Attorneys and Counselors, to represent the NTMWD in these land transactions, including filing of Petitions for Condemnation on properties when the Executive Director determines the property cannot be secured through negotiations and after issuance of a final offer letter in accordance therewith.

5. A budget of \$2,900,000 is authorized for this right-of-way acquisition program.

THIS RESOLUTION ADOPTED BY THE NTMWD BOARD OF DIRECTORS IN A REGULAR MEETING ON OCTOBER 23, 2025, IN THE ADMINISTRATIVE OFFICES OF THE NTMWD, WYLIE, TEXAS.

KEITH STEPHENS, Secretary

DAVID HOLLIFIELD, President

(SEAL)