

NORTH TEXAS MUNICIPAL WATER DISTRICT

RESOLUTION NO. 24-33

A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE RIGHT-OF-WAY FOR THE NORTH SYSTEM AIR VALVE IMPROVEMENTS, PHASE III, PROJECT NO. 101-0442-16, AND

WHEREAS, the NTMWD Board of Directors has authorized additional funding for the existing Engineering Services Agreement for North System Air Valve Improvements, Phase III, Project No. 101-0442-16; and,

WHEREAS, it is necessary to proceed with the acquisition of easements required to facilitate the construction associated with the Project; and,

WHEREAS, it may be necessary to acquire the 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 company, appraisers and attorneys, in order to negotiate easements required for the Project; and,

WHEREAS, adequate funds are provided from the Regional Water System Extendable Commercial Paper (ECP) Program as the appropriation source; issuance of ECP notes will occur as cash needs arise.

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 improvements associated with the North System Air Valve Improvements, Project No. 101-0442-16 (Project) to serve the water needs of the District's member and customer cities.
2. It is in the best interest and is necessary to acquire those permanent, temporary, 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 and uninterrupted operation of the pipeline facilities.
3. The power to initiate eminent domain proceedings is hereby delegated to the Executive Director and she is hereby authorized to take all steps necessary to acquire the 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 \$1,140,000.00 is authorized for this right-of-way acquisition program.

THIS RESOLUTION ADOPTED BY THE NTMWD BOARD OF DIRECTORS IN A REGULAR MEETING ON SEPTEMBER 26, 2024, IN THE ADMINISTRATIVE OFFICES OF THE NTMWD, WYLIE, TEXAS.

DONALD IMRIE, Secretary

GEORGE CRUMP, President

(SEAL)