

NORTH TEXAS MUNICIPAL WATER DISTRICT

RESOLUTION NO. 25-52

A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE RIGHT-OF-WAY FOR THE STOVER CREEK FORCE MAIN, PROJECT NO. 501-0624-23, 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 Stover Creek Force Main, Project No. 501-0624-33 (Project); and,

WHEREAS, the NTMWD Board of Directors previously authorized right-of-way support services to Lockwood, Andrews, and Newman, Inc. (LAN) as part of the Engineering Services Agreement (ESA), Administrative Memorandum No. 24-6017, April 2024; and,

WHEREAS, the NTMWD Board of Directors previously authorized the right-of-way acquisition program for the Stover Creek Force Main, Project No. 501-0624-33 (Project) with funding in the amount of \$8,000,000; and,

WHEREAS, the planned second phase budget was planned for 2025 for the second, third, and fourth force main bid packages; and,

WHEREAS, it is necessary to proceed with the acquisition of permanent and temporary easements required for the construction, operation, and maintenance of the Project improvements; 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, additional funding in the amount of \$24,700,000 is to be made available from the Upper East Fork Interceptor 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 construction of the pipeline and appurtenances associated with the Stover Creek Force Main, Project No. 501-0624-23 (Project) to serve the wastewater needs of the District's member and customer cities.
2. It is in the best interest and is necessary to acquire those permanent easements, temporary construction easements, and permanent and temporary access easements necessary for the construction of the force main 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 is hereby authorized to take all steps necessary to acquire the easements for the Project; including the hiring of negotiators, appraisers, 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 request for an additional \$24,700,000 is authorized for this right-of-way acquisition program resulting in a total budget of \$32,700,000.

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)