

NORTH TEXAS MUNICIPAL WATER DISTRICT

RESOLUTION NO. 26-25

A RESOLUTION AUTHORIZING ADDITIONAL FUNDING OF RIGHT-OF-WAY FOR THE McKINNEY DELIVERY POINT NO. 3 TO McKINNEY DELIVERY POINT NO. 4 PIPELINE, PROJECT NO. 101-0505-18

WHEREAS, the NTMWD Board of Directors previously authorized an Interlocal Agreement with Greater Texoma Utility Authority (GTUA) for the assignment of 2.09 acres of permanent easement from GTUA to NTMWD, with a budget of \$264,199.24, Administrative Memorandum No. 5190; and,

WHEREAS, the NTMWD Board of Directors previously authorized a Right-of-Way Acquisition Program for the McKinney Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline (Project), with a budget of \$8,750,000, Administrative Memorandum No. 5545 and Resolution No. 20-14; and,

WHEREAS, the NTMWD Board of Directors previously authorized an amendment to the Right-of-Way Acquisition Program for the Project, authorizing additional funding of \$10,700,000 and the acquisition of new easement to accommodate the Texas Department of Transportation Department's final alignment of US 380 bypass, Administrative Memorandum No. 5793 and Resolution No. 21-59; and,

WHEREAS, the Board previously authorized the use of Eminent Domain to acquire property for the Project; and,

WHEREAS, NTMWD filed a condemnation action in Cause No. 003-00582-2024 styled NTMWD v. Billingsley Cornell Capital LP and Billingsley 380 North Ltd. In County Court at Law No. 3 (the Billingsley Condemnation) to acquire easements needed for the Project; and,

WHEREAS, the Billingsley Defendant's have agreed to settle this case for a total sum of \$7,100,000; and,

WHEREAS, NTMWD has deposited \$3,405,077 with the court as part of the condemnation hearings; and,

WHEREAS, additional funding is required to provide funds necessary for settlement and legal expenses; and,

WHEREAS, the NTMWD Board of Directors has determined that it is in the best interest of NTMWD to settle the Billingsley Condemnation; and,

WHEREAS, adequate funds are provided from the Regional Water System Construction Funds 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 Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline, Project No. 101-0505-18.

2. A budget increase of \$3,500,000 is authorized for settlement and legal expenses in the Billingsley Condemnation resulting in total authorized funding of \$23,214,199.24.
3. The Resolution shall take effect and be in full force and effective from and after the date of its adoption, and it so resolved; and all resolutions of the Board of Directors of the District in conflict herewith are hereby amended or modified to the extent of such a conflict.

THIS RESOLUTION ADOPTED BY THE NTMWD BOARD OF DIRECTORS IN A REGULAR MEETING ON JUNE 25, 2026, IN THE ADMINISTRATIVE OFFICES OF THE NTMWD, WYLIE, TEXAS.

GERALYN KEVER, Secretary

DONALD IMRIE, President

(SEAL)