

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, DECLARING THE NECESSITY TO ACQUIRE CERTAIN REAL PROPERTIES FOR RIGHT-OF WAY, DRAINAGE EASEMENTS, AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION OF THE FIRST STREET (COLEMAN - CRAIG) PROJECT; DETERMINING THE PUBLIC USE AND NECESSITY FOR SUCH ACQUISITIONS; AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR SAID PROJECT; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE TOWN MANAGER OF THE TOWN OF PROSPER, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE TOWN MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS; AND AUTHORIZING THE TOWN ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY IF PURCHASE NEGOTIATIONS ARE NOT SUCCESSFUL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council"), has determined that there exists a public necessity to acquire certain property interests for the construction of the First Street (Coleman-Craig) project, the location of which is generally set forth in the exhibits attached to this resolution; and

WHEREAS, the Town Council desires to acquire the property interests (collectively referred to as the "Property"), as more particularly described in the exhibits attached to this Resolution, for this governmental and public use in conjunction with the Town of Prosper's construction of the First Street (Coleman-Craig) project ("Project"); and

WHEREAS, the Town Council desires that the Town Manager, or his designee, take all necessary steps to acquire the Property for the Project including, but not limited to, the retention of appraisers, engineers, and other consultants and experts, and that the Town Attorney, or his designee, negotiate the purchase of the Property for the Project, and if unsuccessful in purchasing the Property for the Project, to institute condemnation proceedings to acquire the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Prosper, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2

The Town Council hereby finds and determines that a public use and necessity exists for the Town of Prosper, Texas, to acquire the following Property for the Project, as more particularly described in the Exhibits referenced herein:

EXHIBIT DESCRIPTION / INTEREST TO BE ACQUIRED

- 1 Parcel 1 Approximately 0.0206-acre, 896 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that called 0.536-acre tract of land described by Warranty Deed with Vendor's Lien to Paul and Pacharakorn Thienvanich, recorded in Instrument Number 20141219001385860, Official Public Records, Collin County, Texas
- 2 Parcel 2 Approximately 0.0191-acre, 833 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that called 0.496-acre tract of land described by Warranty Deed with Vendor's Lien to Paul Thienvanich and Mark Thienvanich, recorded in Instrument Number 20170718000940600, Official Public Records, Collin County, Texas
- 3 Parcel 3 0.0201-acre, 876 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that called 0.52-acre tract of land described by General Warranty Deed to Paul Thienvanich, recorded in Instrument Number 202200108255, Official Public Records, Collin County, Texas
- 4 Parcel 4 Approximately 0.0199-acre, 866 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land conveyed by Divorce Deed to Christopher Max Hughes, recorded in Instrument Number 20210521001028260 and described in Instrument Number 19970705000536700, Official Public Records, Collin County, Texas
- 5 Parcel 5 Approximately 0.0246-acre, 1,070 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land described by Warranty Deed to The Betty C. Wimberly Living Trust, recorded in Instrument Number 2023000104473, Official Public Records, Collin County, Texas
- 6 Parcel 6 Approximately 0.0205-acre, 893 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land described by Warranty Deed Reserving Live Estate to Aaron Roy Potvin, recorded in Instrument Number 20200918001588220, Official Public Records, Collin County, Texas
- 7 Parcel 7 Approximately 0.0205-acre, 895 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of called 0.512-acre tract of land described by Warranty Deed with Vendor's Lien to Sean Stansell, recorded in Volume 4648, Page 2911, Deed Records, Collin County, Texas
- 8 Parcel 8 Approximately a 0.0207-acre, 900 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land described by Warranty Deed with Vendor's Lien to Sean Stansell and Hollyn Williams, recorded in Instrument Number 20100818000860400, Official Public Records, Collin County, Texas

- 9 Parcel 10 Approximately 0.0205-acre, 893 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land described by General Warranty Deed to Metro Auto Car, INC., recorded in Instrument Number 20070320000375710, Official Public Records, Collin County, Texas
- 10 Parcel 12 Approximately 0.0103-acre, 450 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land described by General Warranty Deed to Vivid Partners, LLC, recorded in Instrument Number 20220302000343120, Official Public Records, Collin County, Texas
- 11 Parcel 14 Approximately 0.0125-acre, 545 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land described by Warranty Deed to Ernest Mahard, recorded in Volume 417, Page 441, and Quit-claim Deed, recorded in Volume 430, Page 276, Deed Records, Collin County, Texas,
- 12 Parcel 15 Approximately 0.0128-acre, 558 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land described by Warranty Deed with Vendor's Lien to Roberto J. Alejos and Lucia Gonzales Dealejos, recorded in Volume 4853, Page 1167, Deed Records, Collin County, Texas
- 13 Parcel 16 Approximately 0.0061-acre, 264 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land described by metes and bounds in Warranty Deed to Conrad Properties, LLC, recorded in Instrument Number 2022000111828, Official Public Records, Collin County, Texas
- 14 Parcel 17 Approximately 0.0087-acre, 378 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land described by Special Warranty Deed with Vendor's Lien to St Mark Coptic Orthodox Church of Frisco, Tract 3, recorded in Instrument Number 20211115002329420, Official Public Records, Collin County, Texas
- 15 Parcel 18 Approximately 0.0163-acre, 710 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land described by Warranty Deed to Sara Sangani, recorded in Instrument Number 20171211001630830, Official Public Records, Collin County, Texas
- 16 Parcel 22 Approximately 0.0028-acre, 122 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land described by General Warranty Deed with Vendor's Lien in Favor of Third Party to Elvia Convento Velez and Efrain Convento Franco, recorded in Volume 4619, Page 4, Official Public records, Collin County, Texas, and being Lots 1 and 2, Block 23 of Bryant's Addition, recorded in Volume 116, Page 162, Deed Records, Collin County, Texas

- 17 Parcel 25 Approximately 0.0485-acre, 2,114 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land described by Special Warranty Deed with Vendor's Lien to First Baptist Church Prosper, Texas, recorded in Instrument Number 2022000069608, Official Public Records, Collin County, Texas
- 18 Parcel 26 Approximately a 0.0835-acre, 3,638 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land described by Correction General Warranty Deed to LRS Ventures LLC and LRS Enterprises LLC, recorded in Instrument Number 2025000034899, Official Public Records, Collin County, Texas
- 19 Parcel 27 Approximately 0.0360-acre, 1,570 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land described by Warranty Deed to Monte and Barbara Kauffman, recorded in Volume 2904, Page 892, Deed Records, Collin County, Texas
- 20 Parcel 28 Approximately 0.0113-acre, 490 square foot tract of land situated in the Collin County School Land Survey No. 12, Abstract Number 147, Town of Prosper, Collin County, Texas, being part of that certain tract of land described by Warranty Deed with Vendor's Lien to Hollman Holdings, LLC, recorded in Instrument Number 20190830001065010, Official Public Records, Collin County, Texas

SECTION 3

The Town Manager, or his designee, is authorized and directed to negotiate for and to acquire the Property for the Project, for the Town of Prosper, Texas, and to acquire said rights in compliance with State and Federal law. The Town Manager is specifically authorized and directed to do each and every act necessary to acquire the Property for the Project including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to retain and designate a qualified appraiser of the property interests to be acquired, as well as any other experts or consultants that he deems necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

SECTION 4

The Town Manager, or any individual he may so designate, is appointed as negotiator for the acquisition of the Property for the Project, and, as such, the Town Manager is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the Town Council for such purpose. The Town Manager is specifically authorized to establish the just compensation for the acquisition of the Property. If the Town Manager or his designee determines that an agreement as to damages or compensation cannot be reached, then the Town Attorney or his designee is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the needed property interests, proceedings in eminent domain to acquire the Property for the Project.

SECTION 5

This Resolution is effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, BY A VOTE OF ___ TO ___ ON THIS THE 9TH DAY OF JUNE, 2026.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney