



ENGINEERING SERVICES

To: Mayor and Town Council

From: Hulon T. Webb, Jr., P.E., Director of Engineering Services

Through: Mario Canizares, Town Manager
Chuck Ewings, Assistant Town Manager

Re: Eminent Domain – Legacy Drive (Prosper Trail – Parvin Road)

Town Council Meeting – September 16, 2025

Strategic Visioning Priority: 1. Acceleration of Infrastructure

Agenda Item:

Consider and act upon a Resolution of the Town Council of the Town of Prosper, Texas, declaring the necessity to acquire certain properties for right-of-way and easements for the construction of the Legacy Drive (Prosper Trail – Parvin Road) project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager 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.

Description of Agenda Item:

The Prosper Independent School District (District) is developing a middle school on the east side of Legacy Drive just south of the intersection of old Parvin Road and Legacy Drive, with a planned opening in Fall 2026. To serve the facility, the Prosper Independent School District (PISD) is in the process of developing engineering plans for the construction of the Legacy Drive (Prosper Trail – Parvin Road) project per the terms of an Interlocal Agreement between the PISD and the Town dated November 26, 2024. To facilitate the construction of the project, it is necessary for PISD to acquire right-of-way and easements through negotiations. If necessary, the Town may be required to assist with the acquisition through exercising its power of eminent domain. There is currently only one (1) remaining property acquisition needed and that property is identified in the attached Resolution, and the Location Map included with this agenda item. While it is anticipated that the PISD will be able to successfully acquire through negotiations with the property owner, staff is requesting advance authorization to pursue acquisition by eminent domain if negotiations are unsuccessful.

Budget Impact:

Per the Interlocal Agreement, the PISD will initially reimburse the Town all condemnation costs related to the acquisition of the right-of-way and easements for the project. Within four (4) years of the Town's final acceptance of the construction of the project, the Town will be responsible for paying back the PISD the approved right-of-way and easements acquisitions costs incurred.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the Resolution as to form and legality.

Attached Documents:

1. Resolution
2. Location Map

Town Staff Recommendation:

Town staff recommends that the Town Council of the Town of Prosper, Texas, approve the attached Resolution declaring the necessity to acquire certain properties for right-of-way and easements for the construction of the Legacy Drive (Prosper Trail – Parvin Road) project with such property being more particularly described in the attached Resolution; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager 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.

Proposed Motion:

I move to approve the attached Resolution declaring the necessity to acquire certain properties for right-of-way and easements for the construction of the Legacy Drive (Prosper Trail – Parvin Road) project with such property being more particularly described in the attached Resolution; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager 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.

Please note: Pursuant to Section 2206.053(c) of the Texas Government Code, if two (2) or more councilmembers object to adopting this single Resolution for all the properties referenced therein, a separate record vote must be taken for each unit of property.

This item requires a roll call vote.