

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, DECLARING THE PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTIES FOR PERMANENT WATERLINE EASEMENT FOR THE CONSTRUCTION OF THE DNT WATERLINE RELOCATION (US 380 – FIRST STREET) 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 DNT Waterline Relocation (US 380 - First Street) 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 DNT Waterline Relocation (US 380 - First Street) 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 0.072 acres of real property for permanent waterline easement located generally in the Collin County School Land Survey No. 12, Abstract Number 147, Collin County, Texas and being Texas and being part of that certain tract of land described in recorded Instrument 20210615001210690 of the Official Public Records of 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 13TH DAY OF FEBRUARY, 2024.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT 1/PARCEL NO. 1

**LEGAL DESCRIPTION
PERMANENT WATER LINE EASEMENT**

BEING 0.072 acre of land located in the COLLIN COUNTY SCHOOL LAND #12 SURVEY, Abstract No. 147, Town of Prosper, Collin County, Texas, and being a portion of the tract of land conveyed to Hollingshead Materials, LLC, by the deed recorded in Instrument No. 20210615001210690, of the Official Public Records of Collin County, Texas. Said 0.072 acre of land being more particularly described by metes and bounds as follows:

BEGINNING at a point lying in the most Southerly North boundary line of said Hollingshead Materials, LLC Tract and the South boundary line of the tract of land conveyed to Beall Concrete Enterprises, LTD., by the deed recorded in Instrument No. 2005-0172075, of the Official Public Records of Collin County, Texas, and being located N 89° 25' 39" E 591.74 feet, from a 1/2" iron rod found at the Southwest corner of said Beall Concrete Enterprises, LTD. Tract and being an ELL corner of said Hollingshead Materials, LLC Tract, and said 1/2" iron rod found bears N 11° 53' 25" E 302.87 feet from the POINT OF BEGINNING, and said point also having a Texas State Plane Grid Coordinate N: 7,133,982.99 and E: 2,482,090.06;

THENCE N 89° 25' 39" E 77.99 feet, to a point at the most Southerly Northeast corner of said Hollingshead Materials, LLC Tract, lying in the West right-of-way line of Dallas North Tollway;

THENCE S 03° 31' 55" W 100.26 feet, along the existing West right-of-way line of said Dallas North Tollway, to a point at the most Southerly Southeast corner of said Hollingshead Materials, LLC Tract;

THENCE S 89° 25' 38" W 20.00 feet, along the South boundary line of said Hollingshead Materials, LLC Tract, to a point;

THENCE N 03° 31' 55" E 80.24 feet, to a point;

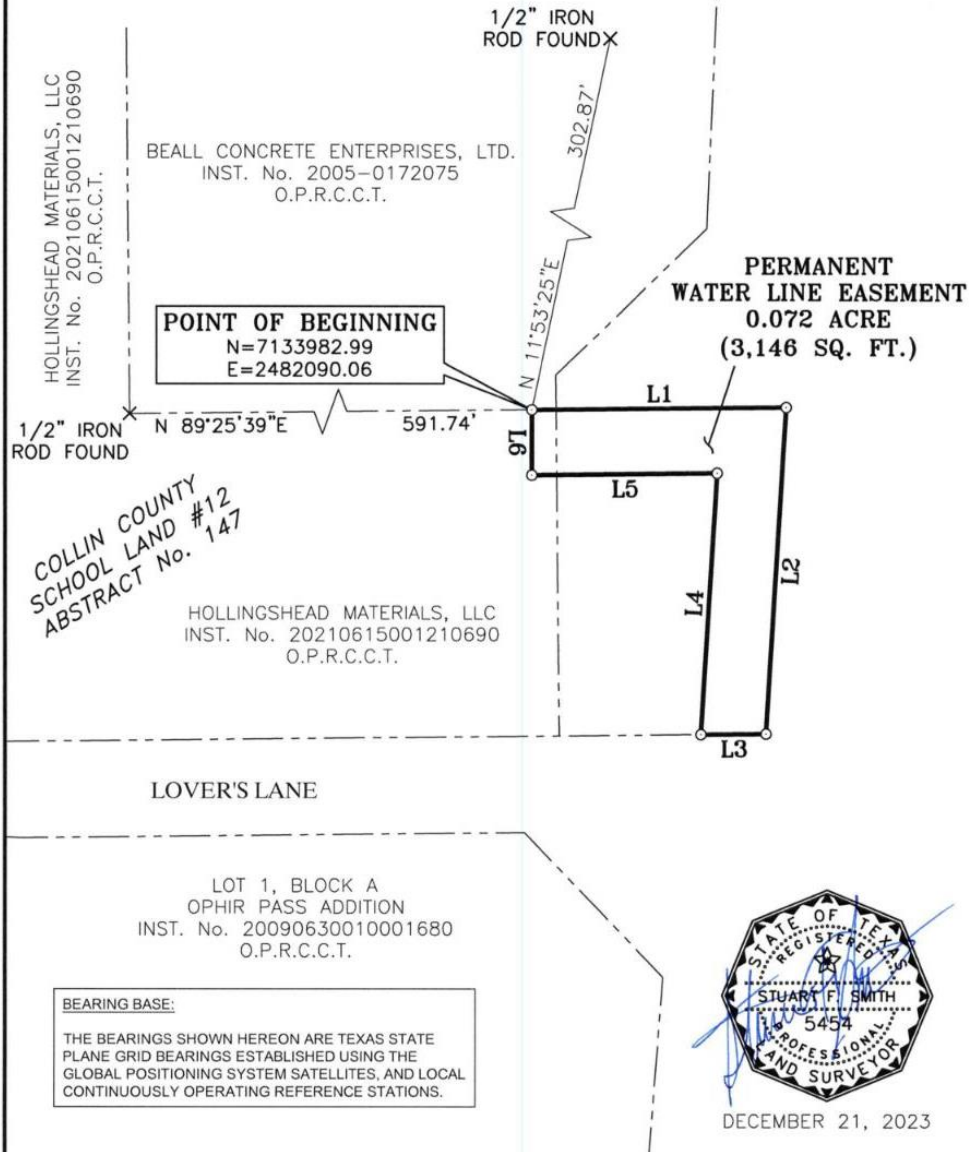
THENCE S 89° 23' 24" W 56.76 feet, to a point;

THENCE NORTH 20.00 feet, to the POINT OF BEGINNING containing 0.072 acre (3,146 Square Feet) of land.



EXHIBIT 1/PARCEL NO. 1 CONT.

Course	Bearing	Distance
L1	N 89°25'39" E	77.99'
L2	S 03°31'55" W	100.26'
L3	S 89°25'38" W	20.00'
L4	N 03°31'55" E	80.24'
L5	S 89°23'24" W	56.76'
L6	N 00°00'00" W	20.00'



	P.O. BOX 307 PROSPER, TX (972) 346-2640	WATER LINE RELOCATION PROJECT TOWN OF PROSPER, COLLIN COUNTY, TEXAS	
<p>BRITTAIN & CRAWFORD LAND SURVEYING & TOPOGRAPHIC MAPPING</p> <p>TEL (817) 926-0211 FAX (817) 926-9347 P.O. BOX 11374 • 3908 SOUTH FREWAY FORT WORTH, TEXAS 76110 EMAIL: admin@brittain-crawford.com WEBSITE: www.brittain-crawford.com FIRM CERTIFICATION# 1019000</p>	<p>PERMANENT WATER LINE EASEMENT 0.072 ACRE OF LAND LOCATED IN THE COLLIN CO. SCHOOL LAND #12 ABSTRACT No. 147 TOWN OF PROSPER, COLLIN COUNTY, TEXAS</p>		<p>SCALE 1"=40'</p>

(J.U.) ...K0BY\PROJECTS\FN\FN-PROSPER-DNT-WL\EASEMENTS\PWE-Hollingshead Materials.dwg