



## 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:** Property Acquisition: DNT Waterline Relocation (US 380 - First Street)

Town Council Meeting – February 13, 2024

**Strategic Visioning Priority: 1. Acceleration of Infrastructure**

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**Agenda Item:**

Consider and act upon a resolution of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain property for a water line easement for the construction of the DNT Waterline Relocation (US 380 - First Street) 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:**

To facilitate the construction of the DNT Waterline Relocation (US 380 - First Street) project, it is necessary for the Town to acquire a water line easement. The one (1) property is identified in the attached resolution, and the location map included with this agenda item depicts the property affected. As with other similar projects, it is not anticipated that the parcel will require the use of eminent domain to complete the acquisition process, however, staff is requesting advance authorization to pursue acquisition by eminent domain if standard negotiations are unsuccessful.

**Budget Impact:**

There is no budgetary impact affiliated with this item.

**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 public necessity to acquire certain water line easements for the construction of the DNT Waterline Relocation (US 380 - First Street) project; project with such the 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 public necessity to acquire certain water line easements for the construction of the DNT Waterline Relocation (US 380 - First Street) project; project with such the 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.**