

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, DECLARING THE PUBLIC NECESSITY TO ACQUIRE CERTAIN WATER LINE EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION OF THE DALLAS NORTH TOLLWAY (PROSPER TRAIL – FRONTIER) 12” WATER LINE 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 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 RIGHTS 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 permanent water line easements and temporary construction easements from properties located from Prosper Trail heading north along the southbound Dallas North Tollway frontage road to Frontier Parkway and then east across the Dallas North Tollway frontage roads and future main lanes to eastern side of the northbound frontage road for the construction of the Dallas North Tollway (Prosper Trail-Frontier) 12” Water line project (“Project”), the location of which water line and temporary construction easements is generally set forth in the location map exhibit attached to this resolution; and

WHEREAS, the Town Council desires to acquire the permanent water line easements and temporary construction easements (hereinafter referred to as “Required Easements”), as more particularly reflected in the location map exhibit attached to this Resolution, for this governmental public use and public necessity in conjunction with the Project; and

WHEREAS, the Town Council desires that the Town Manager, or his designee, take all necessary steps to acquire the Required Easements 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 Required Easements for the Project, and if unsuccessful in purchasing the Required Easements for the Project, to institute condemnation proceedings to acquire the Required Easements.

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 Required Easements for the Project, in the locations generally shown in the location map exhibit attached hereto,

SECTION 3

The Town Manager, or his designee, is authorized and directed to negotiate for and to acquire the Required Easements 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 Required Easements 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 Required Easements 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 Required Easements. 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 Required Easements, proceedings in eminent domain to acquire the Required Easements 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 11TH DAY OF APRIL, 2023.

David F. Bristol, Mayor

ATTEST:

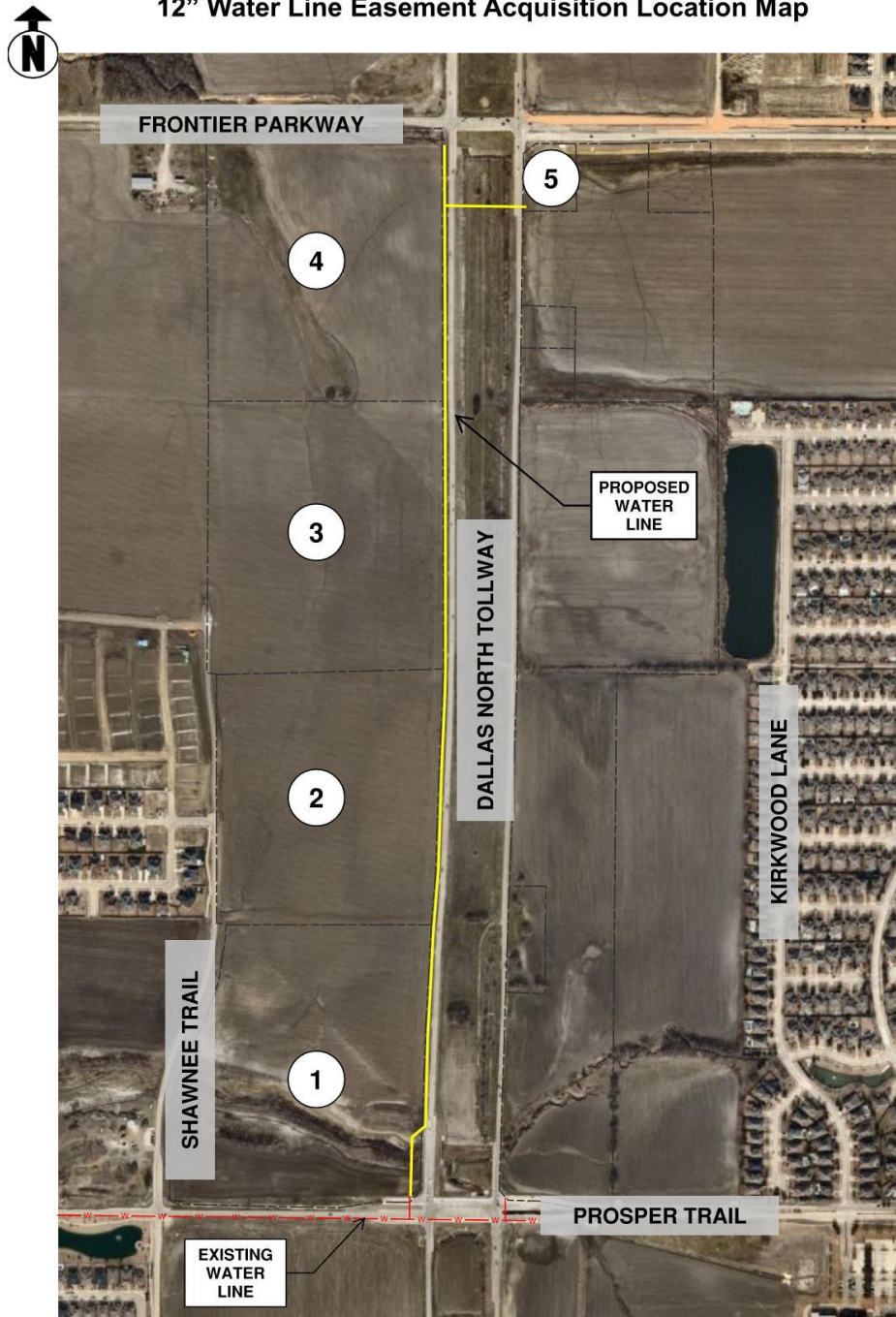
Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT 1

Dallas North Tollway (Prosper Trail—Frontier) 12" Water Line Easement Acquisition Location Map



PARCEL #	OWNER	PARCEL #	OWNER
1	PROSPER TOLLWAY AVENUES 35 LP	4	URBAN HEIGHTS AT FRONTIER LLC
2	COTHRAN MALIBU LP	5	DNT FRONTIER LP
3	AABVC-DNT-WEST-FRT LP		