

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, DECLARING THE PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTIES FOR RIGHT-OF-WAY, AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION OF THE FIRST STREET (DNT - COLEMAN) 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 (DNT - Coleman) 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 (DNT - Coleman) 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 13) Approximately 0.079 acres of real property for right-of-way, and 0.028 acres of real property for temporary construction easement, situated generally in the Collin County School Land Survey No. 12, Abstract Number 147, Collin County, Texas and being part of that certain tract of land conveyed by General Warranty Deed, recorded in Instrument Number 20121211001574800 of the Official Public Records of Collin County, Texas
- 2 (Parcel 14) Approximately 0.079 acres of real property for right-of-way, and 0.028 acres of real property for temporary construction easement, situated generally in the Collin County School Land Survey No. 12, Abstract Number 147, Collin County, Texas and being part of that certain tract of land conveyed by Quitclaim Deed, recorded in Instrument Number 94-0014368 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 revises Resolution No. 2022-40 regarding Parcels 13 and 14 in said resolution and supersedes the description of the property interests needed by the Town as stated in Resolution No. 2022-40.

SECTION 6

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 14TH DAY OF NOVEMBER 2023.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT 1

EXHIBIT "A"
Parcel 13
Abe and Tomoko Mansoori
Metes and Bounds Description

Parcel 13-1

Being a 0.079-acre, 3,424 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 General Warranty Deed to Abe and Tomoko Mansoori, recorded in Instrument Number 20121211001574800, Official Public Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at a found 1/2-inch iron rod for the northwest corner of a tract of land to Francisco Ibarra, recorded in Volume 5848, Page 4553, Official Public Records, Collin County, Texas, and being the southwest corner of said Abe and Tomoko Mansoori tract;

THENCE N 00°48'11" E, with west line of said Abe and Tomoko Mansoori tract, a distance of 17.71 feet to set 5/8-inch iron rod with pink plastic cap stamped "GRANTHAM 10127900" and the POINT OF BEGINNING of the herein described tract and having the following coordinates on the Texas Coordinate System of 1983, North Central Zone, NAD83(2011);
X: 2,486,325.30
Y: 7,135,882.32

THENCE N 00°48'11" E, continuing with said west line, a distance of 42.46 feet to a found 1/2-inch iron pipe for the northwest corner of said Abe and Tomoko Mansoori tract;

THENCE N 89°35'26" E, with the north line of said Abe and Tomoko Mansoori tract, a distance of 80.24 feet to a set 1/2-inch iron rod with yellow plastic cap stamped "G&A 10127900" for the northeast corner of said Abe and Tomoko Mansoori tract;

THENCE S 01°10'29" W, with the east line of said Abe and Tomoko Mansoori tract, a distance of 43.06 feet to a set 5/8-inch iron rod with pink plastic cap stamped "GRANTHAM 10127900";

THENCE N 89°58'49" W, leaving said east line and over and across said Abe and Tomoko Mansoori tract, a distance of 79.95 feet to the POINT OF BEGINNING and containing 0.079 acres or 3,424 square feet of land.

Parcel 13-2

Being a 0.028-acre, 1,199 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 General Warranty Deed to Abe and Tomoko Mansoori, recorded in Instrument Number 20121211001574800, Official Public Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at a found 1/2-inch iron rod for the northwest corner of a tract of land to Francisco Ibarra, recorded in Volume 5848, Page 4553, Official Public Records, Collin County, Texas, and being the southwest corner of said Abe and Tomoko Mansoori tract;

EXHIBIT 1 (Continued)

THENCE N 00°48'11" E, with west line of said Abe and Tomoko Mansoori tract, a distance of 2.71 feet to the POINT OF BEGINNING of the herein described tract and having the following coordinates on the Texas Coordinate System of 1983, North Central Zone, NAD83(2011);

X: 2,486,325.09

Y: 7,135,867.32

THENCE N 00°48'11" E, continuing with said west line, a distance of 15.00 feet to a set 5/8-inch iron rod with pink plastic cap stamped "GRANTHAM 10127900" for the southwest corner of Parcel 13-1 described herewith;

THENCE S 89°58'49" E, leaving said west line and with the south line of said Parcel 13-1, a distance of 79.95 feet to a set 5/8-inch iron rod with pink plastic cap stamped "GRANTHAM 10127900" for the southeast corner of said Parcel 13-1, and being in the east line of said Abe and Tomoko Mansoori tract;

THENCE S 01°10'29" W, with said east line, a distance of 15.00 feet;

THENCE N 89°58'49" W, leaving said east line and over and across said Abe and Tomoko Mansoori tract, a distance of 79.85 feet to the POINT OF BEGINNING and containing 0.028 acres or 1,199 square feet of land.



10-17-23

Blake Sudduth, RPLS, Texas Registration No. 6631
6570 Naaman Forest Blvd., Suite 200, L.B. 2
Garland, Texas 75044
Firm Number. 10127900



Notes:

1. A drawing of even date accompanies this description.
2. All bearings and coordinates herein are on the Texas Coordinate System of 1983, North Central Zone, NAD83(2011). All labeled distances are scaled to the surface using the reciprocal (1.000152710) of the project combined scale factor (0.999847313). The system was established on site using the Allterra Central Trimble RTKNET.
3. All record references are to those of the Collin County Clerk unless otherwise noted.

[illegible]

EXHIBIT 2

EXHIBIT "A"

Parcel 14

Daril R. Nix as Trustee of the Daril R. Nix Revocable Living Trust Metes and Bounds Description

Parcel 14-1

Being a 0.079-acre, 3,461 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 Quitclaim Deed to Daril R. Nix as Trustee of the Daril R. Nix Revocable Living Trust, recorded in Instrument Number 94-0014368, Official Public Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at a found 1/2-inch iron rod for the northwest corner of a tract of land to Francisco Ibarra, recorded in Volume 5848, Page 4553, Official Public Records, Collin County, Texas, and being the southwest corner of a tract of land to Abe and Tomoko Mansoori, recorded in Instrument Number 20121211001574800, Official Public Records, Collin County, Texas;

THENCE N 00°48'11" E, with west line of said Abe and Tomoko Mansoori tract, a distance of 60.16 feet to a found 1/2-inch iron pipe for the northwest corner of said Abe and Tomoko Mansoori tract;

THENCE N 89°35'26" E, with the north line of said Abe and Tomoko Mansoori tract, a distance of 80.24 feet to a set 1/2-inch iron rod with yellow plastic cap stamped "G&A 10127900" for the northwest corner of said Daril R Nix tract, and being the northeast corner of said Abe and Tomoko Mansoori tract, and the POINT OF BEGINNING of the herein described tract and having the following coordinates on the Texas Coordinate System of 1983, North Central Zone, NAD83(2011);

X: 2,486,406.12

Y: 7,135,925.34

THENCE S 89°54'54" E, with the north line of said Daril R. Nix tract, a distance of 80.24 feet to a set 1/2-inch iron rod with yellow plastic cap stamped "G&A 10127900" for the northeast corner of said Daril R. Nix tract;

THENCE S 00°48'35" W, with the east line of said Daril R. Nix tract, passing at a distance of 4.91 feet a found 1/2-inch iron rod, continuing in all a total distance of 45.72 feet to a set 1/2-inch iron rod with yellow plastic cap stamped "G&A 10127900";

THENCE, leaving said east line and over and across said Daril R. Nix tract the following courses and distances:

N 44°35'07" W, a distance of 3.86 feet to a set 5/8-inch iron rod with pink plastic cap stamped "GRANTHAM 10127900";

N 89°58'49" W, a distance of 77.77 feet to a set 5/8-inch iron rod with pink plastic cap stamped "GRANTHAM 10127900" in the west line of said Daril R. Nix tract, and being in the east line of said Abe and Tomoko Mansoori tract;

THENCE N 01°10'29" E, with said common line, a distance of 43.06 feet to the POINT OF BEGINNING and containing 0.079 acres or 3,461 square feet of land.

EXHIBIT 2 (Continued)

Parcel 14-2

Being a 0.028-acre, 1,205 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 Quitclaim Deed to Daril R. Nix as Trustee of the Daril R. Nix Revocable Living Trust, recorded in Instrument Number 94-0014368, Official Public Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at a found 1/2-inch iron rod for the northwest corner of a tract of land to Francisco Ibarra, recorded in Volume 5848, Page 4553, Official Public Records, Collin County, Texas, and being the southwest corner of a tract of land to Abe and Tomoko Mansoori, recorded in Instrument Number 20121211001574800, Official Public Records, Collin County, Texas;

THENCE N 00°48'11" E, with west line of said Abe and Tomoko Mansoori tract, a distance of 60.16 feet to a found 1/2-inch iron pipe for the northwest corner of said Abe and Tomoko Mansoori tract;

THENCE N 89°35'26" E, with the north line of said Abe and Tomoko Mansoori tract, a distance of 80.24 feet to a set 1/2-inch iron rod with yellow plastic cap stamped "G&A 10127900" for the northwest corner of said Daril R Nix tract, and being the northeast corner of said Abe and Tomoko Mansoori tract;

THENCE S 89°54'54" E, with the north line of said Daril R. Nix tract, a distance of 80.24 feet to a set 1/2-inch iron rod with yellow plastic cap stamped "G&A 10127900" for the northeast corner of said Daril R. Nix tract;

THENCE S 00°48'35" W, with the east line of said Daril R. Nix tract, passing at a distance of 4.91 feet a found 1/2-inch iron rod, continuing in all a total distance of 45.72 feet to a set 1/2-inch iron rod with yellow plastic cap stamped "G&A 10127900", and being the southeast corner of Parcel 14-1 described herewith and the POINT OF BEGINNING of the herein described tract and having the following coordinates on the Texas Coordinate System of 1983, North Central Zone, NAD83(2011);
X: 2,486,485.71
Y: 7,135,879.52

THENCE S 00°48'35" W, continuing with said east line, a distance of 12.25 feet;

THENCE N 89°58'49" W, leaving said east line and over and across said Daril R. Nix tract, a distance of 80.61 feet to a point in the west line of said Daril R. Nix tract, and being in the east line of said Abe and Tomoko Mansoori tract;

THENCE N 01°10'29" E, with said common line, a distance of 15.00 to a set 5/8-inch iron rod with pink plastic cap stamped "GRANTHAM 10127900" for the southwest corner of said Parcel 14-1;

THENCE, leaving said common line and with the south line of said Parcel 14-1 the following courses and distances:

S 89°58'49" E, a distance of 77.77 feet to a set 5/8-inch iron rod with pink plastic cap stamped "GRANTHAM 10127900";

S 44°35'07" E, a distance of 3.86 feet to the POINT OF BEGINNING and containing 0.028 acres or 1,205 square feet of land.

EXHIBIT 2 (Continued)



10-18-23

Blake Sudduth, RPLS, Texas Registration No. 6631
6570 Naaman Forest Blvd., Suite 200, L.B. 2
Garland, Texas 75044
Firm Number. 10127900



Notes:

1. A drawing of even date accompanies this description.
2. All bearings and coordinates herein are on the Texas Coordinate System of 1983, North Central Zone, NAD83(2011). All labeled distances are scaled to the surface using the reciprocal (1.000152710) of the project combined scale factor (0.999847313). The system was established on site using the Allterra Central Trimble RTKNET.
3. All record references are to those of the Collin County Clerk unless otherwise noted.

TRACT 14-1
0.079 ACRES
3,461 SQ. FT.

TRACT 14-2
0.028 ACRES
1,205 SQ. FT.

| NUMBER | DIRECTION | DISTANCE |
|--------|---------------|----------|
| L1 | N 00°48'11" E | 60.16' |
| L2 | N 89°35'26" E | 80.24' |
| L3 | S 89°54'54" E | 80.24' |
| L4 | S 00°48'35" W | 45.72' |
| L5 | N 44°35'07" W | 3.86' |
| L6 | N 89°58'49" W | 77.77' |
| L7 | N 01°10'29" E | 43.06' |
| L8 | S 00°48'35" W | 12.25' |
| L9 | N 89°58'49" W | 80.61' |
| L10 | N 01°10'29" E | 15.00' |
| L11 | S 89°58'49" E | 77.77' |
| L12 | S 44°35'07" E | 3.86' |

LINE TABLE
SAYDA HERNANDEZ
VOL. 5982 PG. 2009

LEGEND:
 — PROPOSED R.O.W. DEDICATION
 — PROPOSED TEMP. CONST. ESMT.
 — P.O.B. = POINT OF BEGINNING
 — P.O.C. = POINT OF COMMENCEMENT
 — O.P.R.C.T. = OFFICIAL PUBLIC RECORDS COLLIN COUNTY, TEXAS
 — D.R.C.C.T. = DEED RECORDS COLLIN COUNTY, TEXAS
 — IRF = IRON ROD FOUND
 — MONUMENT FOUND
 — 1/2" IRON ROD WITH YELLOW PLASTIC CAP
 — STAMPED "G&A 10127900" SET
 — 5/8" IRON ROD WITH PINK PLASTIC CAP
 — STAMPED "GRANTHAM 10127900" SET

NOTES:
 1. All bearings and coordinates herein are on the Texas Coordinate System of 1983, North Central Zone, NAD83 (2011). All labeled points are located on the ground. The combined accuracy of the survey is ± 0.00152710'. The system was established on site using the Allmaro Control Trimble RTN2T.
 2. All record references are to those of the Collin County Clerk unless otherwise noted.
 A local description of even date accompanies this drawing.

STATE OF TEXAS
REGISTERED PROFESSIONAL
LAND SURVEYOR
BLAKE SUDDUTH
6631

GRANTHAM & Associates, Inc.
 Civil Engineering & Surveying
 6570 NAAMAN FOREST BLVD., SUITE 200, L.A. 2
 GARLAND, TEXAS 75044
 (972) 864-2333 (TEL)
 (972) 864-2334 (FAX)

TBPELS FIRM NO. 10127900

10-18-23

1356-PARCEL-14

WEST FIRST STREET PROJECT # 1512-ST
 OWNER: DARIL R NIX REVOCABLE LIVING TRUST
 0.079 ACRES OR 3,461 SQUARE FEET
"EXHIBIT A"
PAGE 4 OF 4

COLLIN COUNTY, TEXAS