



## ENGINEERING SERVICES

**To:** Mayor and Town Council

**From:** Hulon T. Webb, Jr., P.E., Interim Executive Director of Development and Infrastructure Services

**Through:** Harlan Jefferson, Town Manager

**Re:** Town Council Meeting – July 26, 2022

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**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, street easements, water easements, and drainage easements for the construction of the First Street (DNT – Coleman) 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 Town is in the process of developing engineering plans for the construction of the First Street (DNT – Coleman) project. To facilitate the construction of the project, it is necessary for the Town to acquire several parcels of right-of-way, street easements, water easements, and drainage easements. The specific parcels are identified in the attached Resolution, and the Location Map included with this agenda item depicts the twenty-two (22) properties currently known to be affected. The Location Map also depicts seven (7) parcels whose impacts are currently unknown and will be brought before Council at a future date once the intersection design of First Street and Coleman Street has been completed. As with other similar road construction projects, it is not anticipated that all parcels 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.

**Attached Documents:**

1. Resolution
2. Location Map

**Legal Obligations and Review:**

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

**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, street easements, water easements, and drainage easements for the construction of the First Street (DNT – Coleman) project with such properties 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 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, street easements, water easements, and drainage easements for the construction of the First Street (DNT – Coleman) project with such properties 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.**