

**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 TOWN'S FM 1461 12-INCH WATER RELOCATION 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 Preston Road (SH 289) east along the southern side of FM 1461 approximately two-miles to Custer Road for the construction of the Town's FM 1461 12-inch Water Line Relocation 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 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 12TH DAY OF DECEMBER, 2023.**

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**David F. Bristol, Mayor**

**ATTEST:**

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**Michelle Lewis Sirianni, Town Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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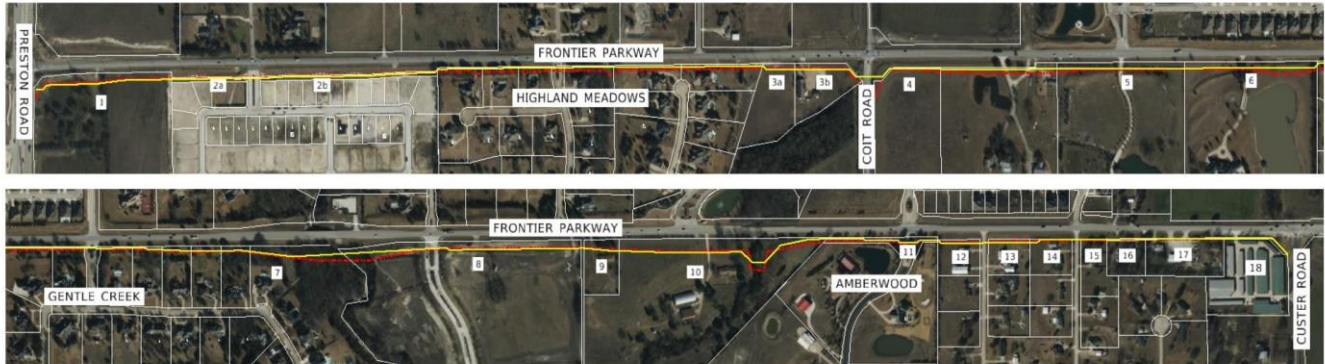
**Terrence S. Welch, Town Attorney**

# EXHIBIT 1



## FM 1461 Water Line Easement Acquisition Overall Location Map

TxDOT PROPOSED ROW LINE -----  
 PROPOSED WATERLINE ALIGNMENT -----  
 \* TEMPORARY CONSTRUCTION EASEMENT ONLY



PARCEL #	OWNER	PARCEL #	OWNER	PARCEL #	OWNER
1	REMINGTON PRESTON LLC	7*	ZUEHL SCOTT M & CHRISTY JO ZUEHL	15*	KAMBOJI ABHIMANYU
2a	MERITAGE HOMES OF TEXAS LLC/ FRONTIER ESTATES PHASE 2	8	TWIN CREELS PROSPER LLC	16*	QSI PARTNERS LLC
2b	MERITAGE HOMES OF TEXAS LLC/ FRONTIER ESTATES PHASE 2	9	NIAZ ARSHAD	17*	CASHON NANCY
3a	CHRISTIAN CHAPEL ASSEMBLY OF GOD	10	OM FRONTIER ESTATES LLC	18*	PROPSER STORAGE LP
3b	CHRISTIAN CHAPEL ASSEMBLY OF GOD	11*	AMBERWOOD FARMS HOMEOWNERS ASSN INC		
4*	WHITE R L LIVING TRUST	12	DUNN RODNEY W & CHARLA		
5*	HE JIANMING	13	NAVA LUIS C & CLAUDIA		
6*	DA HOOD TRUST	14	JOHNSON PHILLUP		