

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, DECLARING THE NECESSITY TO ACQUIRE APPROXIMATELY 0.9678 ACRES OF REAL PROPERTY FOR RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE TEEL PARKWAY / US 380 INTERSECTION IMPROVEMENTS PROJECT SAID PROPERTY LOCATED IN THE LOUISA NETHERLY SURVEY, ABSTRACT NO. 962, TOWN OF PROSPER, DENTON COUNTY, TEXAS; 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 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 approximately 0.9678 acres of real property for right-of-way, situated generally in the Louisa Netherly Survey, Abstract No. 962, in the Town of Prosper, Denton County, Texas and being part of Tract 2 conveyed to Pemmasani Interests, LLC recorded in Document No. 2017-155434, Official Public Records of Denton County, Texas (O.P.R.D.C.T.), Town of Prosper, Denton County, Texas; (the "Property") and more particularly described and depicted in Exhibits A and B, which is attached hereto and incorporated herein for all purposes, is appropriate for use as the location of the Teel Parkway / US 380 Intersection Improvements Project ("Project") and that there exists a public necessity to acquire the Property for the construction of the Project, which is a public use; and

WHEREAS, the Town Council desires to acquire the Property for this governmental and public use in conjunction with the Town of Prosper's construction of the Teel Parkway / US 380 Intersection Improvements 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 these required property interests.

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 Property for the Project.

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 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 10TH DAY OF MAY, 2022.

Ray Smith, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT A

**REAL PROPERTY DESCRIPTION
OF A 0.9678 ACRE TRACT OF LAND
SITUATED IN THE LOUISA NETHERLY SURVEY, A-962
DENTON COUNTY, TEXAS**

BEING a 0.9678 acre (42,157 square feet) tract of land situated in the Louisa Netherly Survey, Abstract Number 962, Town of Prosper, Denton County, Texas, being a part of a 48.482 acre tract of land described as Tract 2 conveyed to Pemmasani Interests, LLC by instrument recorded in Document Number 2017-155434, Official Public Records, Denton County, Texas and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with a red cap stamped 'CRIADO' set (all of the following iron rods set being so capped and stamped) in the east line of the Teel Parkway right-of-way (a variable-width public right-of-way) (a.k.a. Fields Road), for the northwest corner of said Pemmasani Interests tract, the northwest corner of a right-of-way easement conveyed to the State of Texas by instrument recorded in Volume 334, Page 84, Deed Records, Denton County, Texas, and being in the south line of a 162.722 acre tract of land conveyed to Two-J Partners, LLLP by instrument recorded in Document Number 2008-50523, said Official Public Records;

THENCE North 89 degrees, 09 minutes, 01 seconds East, departing the east line of said Teel Parkway right-of-way, with the north line of said Tract 2 and the south line of said Two-J Partners tract, a distance of 53.91 feet to a 5/8-inch iron rod set;

THENCE South 00 degrees, 01 minutes, 26 seconds East, departing the south line of said Two-J Partners tract, over and across said Pemmasani Interests Tract, a distance of 719.00 feet to a 5/8-inch iron rod set;

THENCE South 03 degrees, 50 minutes, 17 seconds East, continuing over and across said Pemmasani tract, a distance of 150.51 feet to a 5/8-inch iron rod set;

THENCE South 00 degrees, 01 minutes, 26 seconds East, a distance of 89.52 feet to a 5/8-inch iron rod set in the west line of said Pemmasani tract and the east line of a 0.484 acre tract of land conveyed to the State of Texas by judgement recorded in Document No. 2019-145435, said Official Public Records;

THENCE North 16 degrees, 04 minutes, 35 seconds West, with the west line of said Pemmasani tract and the east line of said State of Texas tract, a distance of 64.13 to a 5/8-inch iron rod set at the beginning of a curve to the left having a radius of 1,072.00 feet;

THENCE continuing with the west line of said Pemmasani tract, the east line of said State of Texas tract and with said curve to the left, through a central angle of 03 degrees, 37 minutes, 18 seconds, an arc distance of 67.76 feet (the long chord of which bears North 07 degrees, 22 minutes, 07 seconds West, a distance of 67.75 feet to a 5/8-inch iron rod set at the beginning of a curve to the right having a radius off 1,008.00 feet;

THENCE continuing with the west line of said Pemmasani tract, the east line of said State of Texas tract and with said curve to the right, through a central angle of 02 degrees, 26 minutes, 42 seconds, an arc distance of 43.01 feet (the long chord of which bears North 07 degrees, 57 minutes, 42 seconds West, a distance of 43.01 feet) to a 5/8-inch iron rod with cap stamped 'TXDOT' (Controlling Monument) found;

EXHIBIT A (Continued)

THENCE North 00 degrees, 00 minutes, 12 seconds East, continuing with the west line of said Pemmasani tract and the east line of said State of Texas tract, a distance of 121.25 feet to a 5/8-inch iron rod with cap stamped 'TXDOT' (Controlling Monument) found;

THENCE South 89 degrees, 58 minutes, 44 seconds West, with the south most north line of said Pemmasani tract and the north line of said State of Texas tract, distance of 32.78 feet to a 5/8-inch iron rod set in the west line of said Pemmasani tract and the east line of said Teel Parkway right-of-way;

THENCE North 00 degrees, 04 minutes, 27 seconds East with the west line of said Pemmasani tract and the east line of said Teel Parkway right-of-way, a distance of 665.25 feet to the **POINT OF BEGINNING** and containing 0.9678 acres (42,157 square feet) of land, more or less.

Note: Surveyed on the ground March 2022.

Note: all bearings are based on the Texas Coordinate System, North Central Zone (4202), North American Datum 1983 - NAD 83 (2011), epoch 2010.00. All distances shown are surface values and may be converted to grid by dividing by a combined scale factor of 1.000150630.

Note: Map of Survey of even date attached herewith.

Note: All monuments set are 5/8-inch iron rod with red cap stamped "CRIADO" set unless otherwise noted.



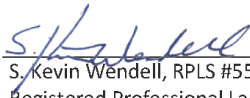

S. Kevin Wendell, RPLS #5500
Registered Professional Land Surveyor
State of Texas
March 18, 2022

EXHIBIT B

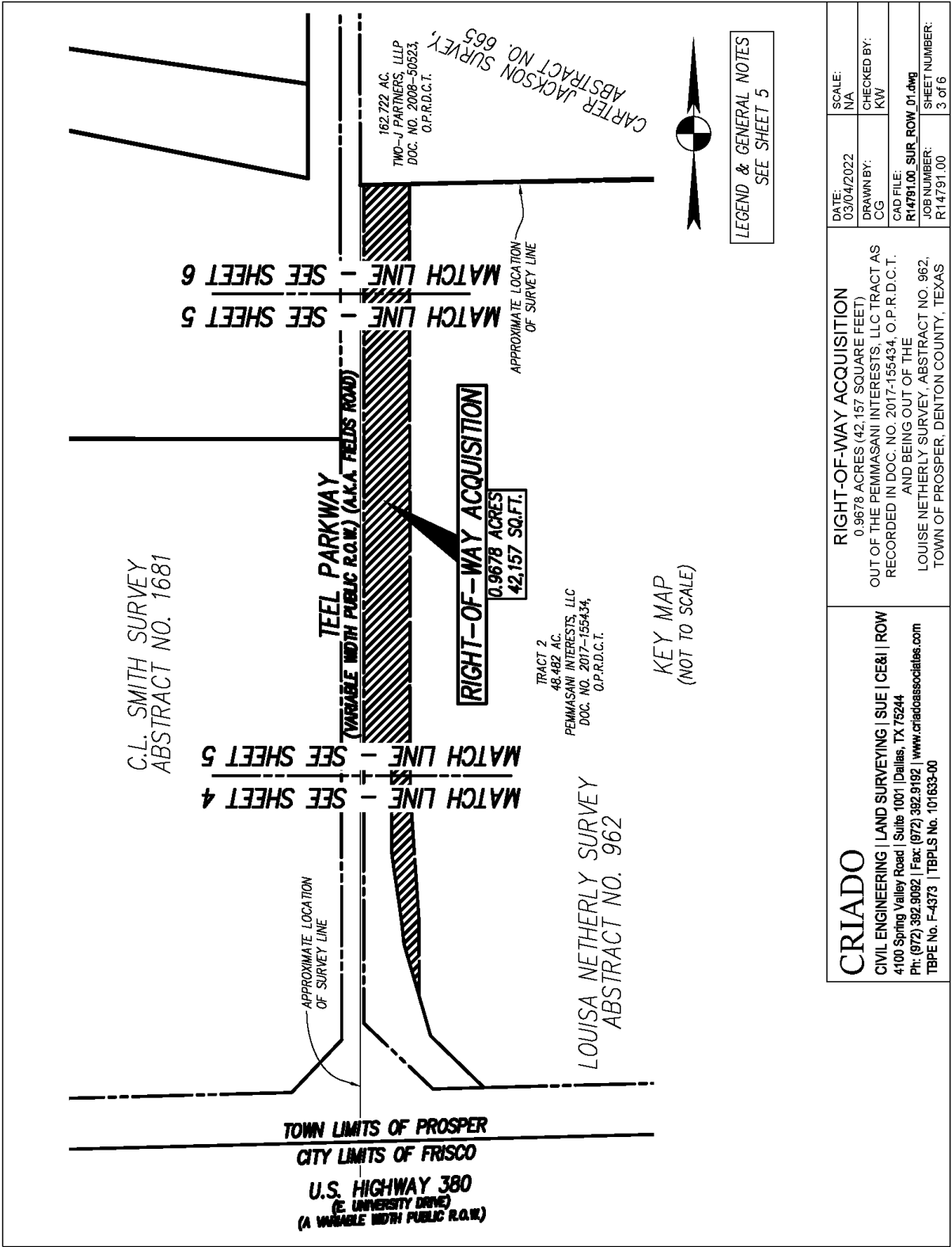


EXHIBIT B (continued)

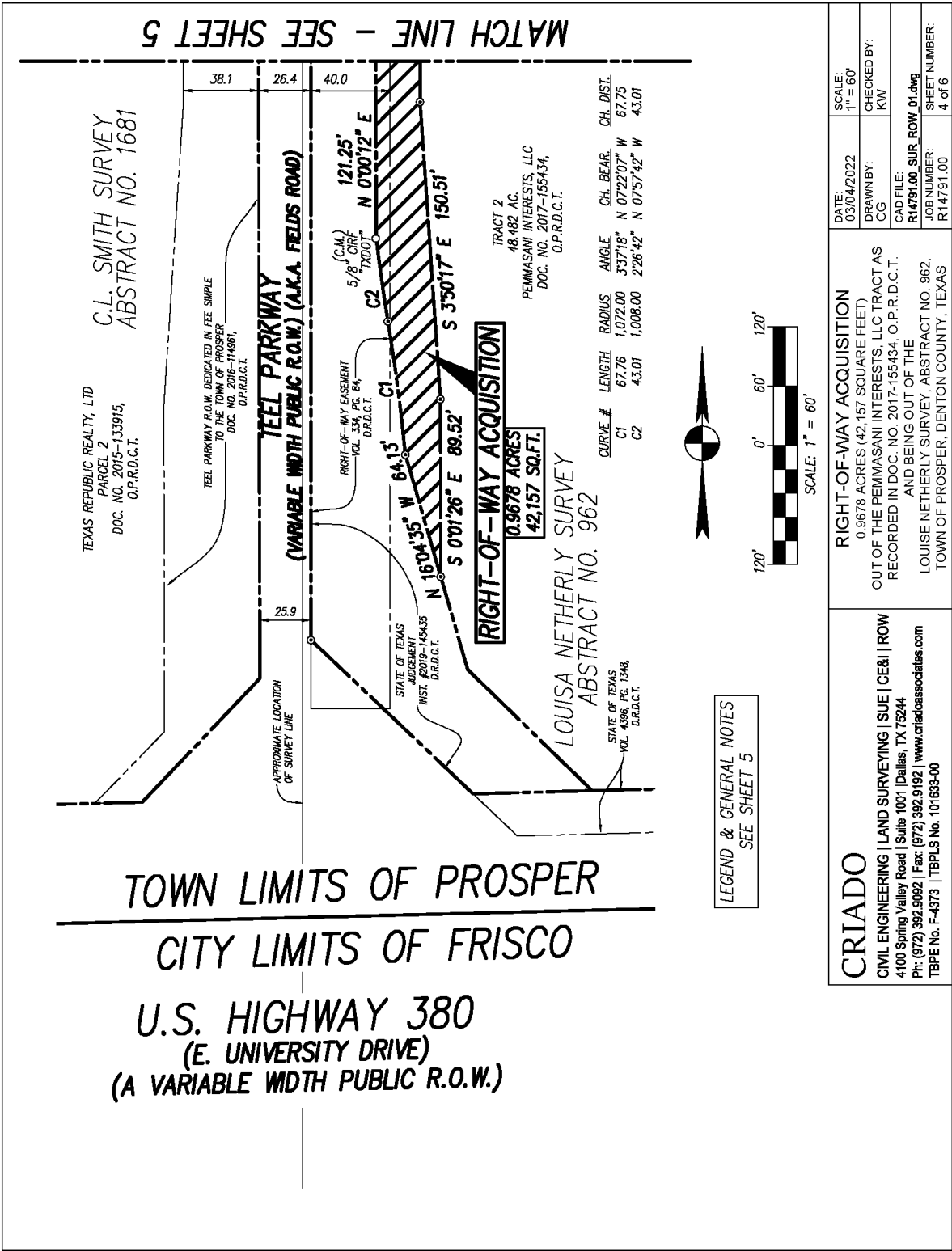


EXHIBIT B (continued)

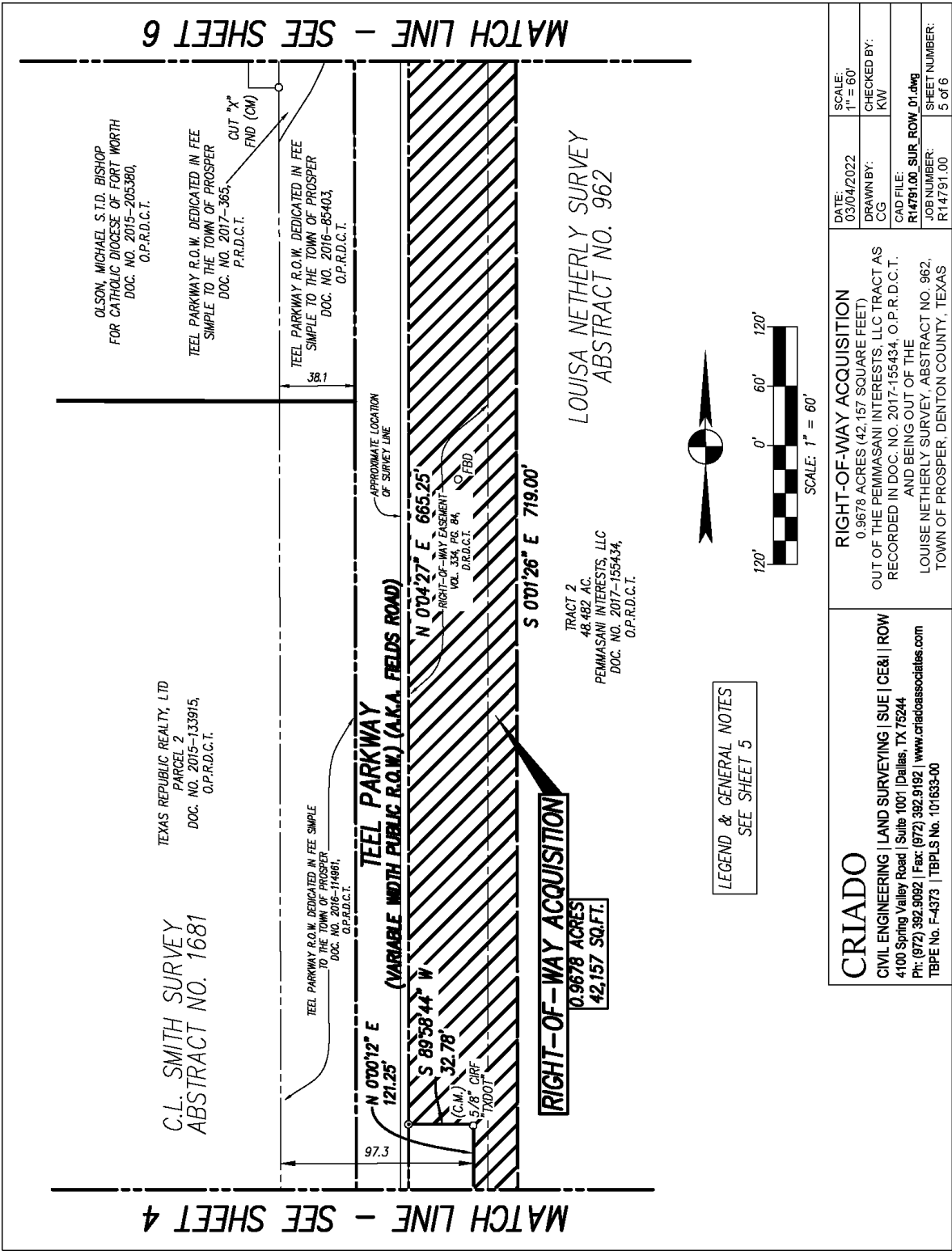


EXHIBIT B (continued)

