

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AUTHORIZING THE ACQUISITION OF A DRAINAGE EASEMENT ON APPROXIMATELY 1.686 ACRES ACROSS PORTIONS OF TRACTS OF LAND GENERALLY LOCATED AT 830 VALLEY RIDGE BLVD SITUATED IN THE A.G. KING SURVEY, ABSTRACT NUMBER 698, FURTHER DESCRIBED AS ELM FORK INDUSTRIAL PARK, LOTS 5A, 5B, AND 5C WITHIN THE CITY OF LEWISVILLE, DENTON COUNTY, TEXAS, FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, OR ENLARGEMENT OF PUBLIC DRAINAGE IMPROVEMENTS TO PROVIDE FOR ADEQUATE DRAINAGE FOR THE PROPERTIES GENERALLY BOUNDED BY EAST COLLEGE STREET, VALLEY RIDGE BOULEVARD, STATE HIGHWAY 121 BUSINESS, EAST MAIN STREET AND RAILROAD STREET; DETERMINING THE PUBLIC USE AND PUBLIC NECESSITY OF SUCH ACQUISITION; AUTHORIZING THE CITY MANAGER (OR HER DESIGNEE) TO DO EACH AND EVERY ACT NECESSARY TO ACQUIRE THE NEEDED PROPERTY IN EXCHANGE FOR CONSIDERATION AS SET FORTH HEREIN AND IN COMPLIANCE WITH ALL APPLICABLE LAWS; RATIFYING ANY DOCUMENTS PREVIOUSLY EXECUTED BY THE CITY MANAGER OR HER DESIGNEE IN ORDER TO ACQUIRE THE EASEMENT; PROVIDING FOR REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lewisville, Texas (the “City Council”) has determined that approximately 1.686 total acres of land constituting portions of the property listed in the caption above is appropriate for use by the City of Lewisville (the “City”) for the construction, operation, maintenance, repair, or enlargement of public drainage facilities to provide for the adequate drainage for the properties generally bounded by East College Street, Valley Ridge Boulevard, State Highway 121 Business, East Main Street and Railroad Street, and that there exists a public necessity to acquire a drainage easement as described in and depicted more fully on Attachment 1, attached here to and incorporated herein for all purposes (the “Easement”); and,

WHEREAS, the City Council desires to acquire the Easement for the aforementioned public uses in conjunction with the Project because, in part, the Easement is necessary for the adequate drainage for the properties generally bounded by East College Street, Valley Ridge Boulevard, State Highway 121 Business, East Main Street and Railroad Street; and,

WHEREAS, the City Council desires that the City Manager or her designee (the “City Manager”), take all necessary steps to acquire the Easement in exchange for the consideration set forth in Attachment 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2: Finding of Public Use and Necessity. The City Council hereby finds and determines that the Project (and planned use of the Easement) is a public use, and that public necessity requires that the City acquire the Easement for the Project.

SECTION 3: Authorizing Acquisition. The City Manager is hereby directed to acquire the Easement on the City's behalf and in accordance with State and Federal law in exchange for the consideration set forth in Attachment 1. As such, the City Manager is authorized and directed to do each and every act necessary to acquire the needed Easement including, but not limited to, negotiate, give notices, make bona fide offers, have contracts prepared, retain, and designate a qualified appraiser, as well as any other experts or consultants deemed necessary for the acquisition process. Further, the City Manager is specifically authorized to establish the compensation for the acquisition of the Easement, subject to the availability of funds appropriated by the City Council for such purpose.

SECTION 5: Ratifying Prior Documents. The City Council hereby ratifies any documents executed, prior to the effective date of this Resolution, by the City Manager or her designee for the acquisition of the Easement as outlined herein, including but not limited to, an offer letter to acquire the Easement.

SECTION 6: Disposal of Improvements. The City Manager is hereby authorized to sell such surplus improvements, if any, located on the Easement acquired in connection with this Project, should they interfere with the City's intended use and enjoyment of the Easement.

SECTION 7: Source of Funds. The amount to be paid, if any, for acquiring the Easement for the Project will be appropriated from any and all lawful sources.

SECTION 8: Repealer. All provisions of any resolution in conflict with this Resolution are hereby repealed; but such repeal shall not abate any pending matters of the repealed resolution. Any remaining portions of conflicting resolutions shall remain in full force and effect.

SECTION 9: Severability. Should any section, subsection, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect. The City hereby declares that it would have passed this Resolution, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

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SECTION 10: Effective Date. This Resolution shall take effect immediately from and after its passage.

RESOLVED THIS the ____ day of ____, 2025.

APPROVED:

TJ Gilmore, Mayor

ATTEST:

Jennifer Malone-Ippolito, City Secretary

APPROVED AS TO FORM:

Lizbeth Plaster, City Attorney