

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AUTHORIZING THE ACQUISITION OF FEE SIMPLE TITLE TO APPROXIMATELY 105,546 SQUARE FEET (2.423 ACRES) LEGALLY DESCRIBED AS ALL OF LOT 5B, BLOCK A OF THE ELM FORK INDUSTRIAL PARK, IN THE A. G. KING SURVEY, ABSTRACT 698 GENERALLY LOCATED AT 830 VALLEY RIDGE BOULEVARD TEMPORARY CONSTRUCTION EASEMENT TO APPROXIMATELY 13,024 SQUARE FEET (0.299 ACRES) LEGALLY DESCRIBED AS PART OF LOT 5A, BLOCK A AND PART OF LOT 5C, BLOCK A OF THE ELM FORK INDUSTRIAL PARK, IN THE A. G. KING SURVEY ABSTRACT 698 GENERALLY LOCATED AT 830 VALLEY RIDGE BOULEVARD; FOR THE USE AS A REGIONAL PUBLIC DETENTION POND AND THE UNDERTAKING OF ALL ASSOCIATED IMPROVEMENTS; HAVING DETERMINED THE PUBLIC USE AND PUBLIC NECESSITY OF SUCH ACQUISITIONS; AUTHORIZING THE APPOINTMENT OF AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER (OR HER DESIGNEE) TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY TO BE ACQUIRED IN ACCORDANCE WITH ALL LAWS; AUTHORIZING THE CITY MANAGER (OR HER DESIGNEE) TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS; AND AUTHORIZING THE CITY ATTORNEY (OR HER DESIGNEE) TO INSTITUTE CONDEMNATION PROCEEDINGS, IF NECESSARY, TO ACQUIRE THE PROPERTY IF PURCHASE NEGOTIATIONS ARE NOT SUCCESSFUL; PROVIDING FOR REPEALING, SAVINGS, 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 2.423 acres (105,546 square feet) of land legally described as all of Lot 5B, Block A and 0.299 acres (13,024 square feet) part of Lot 5A, Block A and part of Lot 5C, Block A of the Elm Fork Industrial Park in the A.G. King Survey, City of Lewisville, Denton County, Texas, more specifically described in the attached Exhibits hereto shown in Attachment 1, (the “Property”) is appropriate for the use by the City of Lewisville, (the “City”) for use as a regional public detention pond, and that there exists a public use and a public necessity to acquire the Property in fee simple; and,

**WHEREAS**, the City Council desires to acquire the Property for use as a regional public detention pond (the “Project”) because the Property has been identified for this purpose and will provide off site capacity that supports drainage needs for current and future growth and furthers

the vision and goals of the City Council adopted 2023 Old Town Transit Oriented Development Master Plan Update (the “Plan”); and

**WHEREAS**, as growth continues, existing drainage capacity has been reached, necessitating a regional detention pond to support drainage needs for current and future growth; and,

**WHEREAS**, this Project was identified by the Valley Ridge Drainage Study produced by TNP, Inc., dated February 26, 2025, in which the preferred option was a detention pond on the Property; and,

**WHEREAS**, the City Council desires that the City Manager or her designee (the “City Manager”), take all necessary steps to acquire this property; and,

**WHEREAS**, the City Council desires that the City Attorney or her designee (the “City Attorney”) assist the City Manager in negotiating the purchase of the Property in fee simple and, if unsuccessful in purchasing the needed Property as provided for herein, to institute condemnation proceedings to acquire said Property as provided herein; and

**WHEREAS**, the City Council desires that the City Attorney to enter into a settlement agreement for the acquisition of the Property as provided for herein following the institution of condemnation proceedings, subject to the availability of funds appropriated by the City Council for such purpose.

**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 Property) is a public use, and that public necessity requires that the City acquire the Property for the Project.

**SECTION 3: Authorizing Acquisition and Determining Just Compensation.** The City Manager is hereby appointed the negotiator for the City and is authorized and directed to negotiate for and acquire the Property on the City’s behalf and in accordance with State and Federal law. As such, the City Manager is authorized and directed to do each and every act necessary to acquire the needed Property including, but not limited to, the authority 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 just compensation

for the acquisition of the Property, subject to the availability of funds appropriated by the City Council for such purpose.

**SECTION 4: Authorizing the Use of Eminent Domain.** Should the City Manager not be able to acquire the Property voluntarily from the landowners in accordance with the law, the City Attorney is hereby authorized and directed to file or cause to be filed eminent domain proceedings for the acquisition of the Property. In the event it is subsequently determined that additional persons other than those named herein have any interest in the Property, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s)..

**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 which were necessary for the acquisition of the Property as outlined herein.

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

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

**SECTION 8: Savings/Repealing Clause.** 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.

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

RESOLVED THIS the \_\_\_\_ day of \_\_\_\_\_, 2026.

APPROVED:

**RESOLUTION NO.** \_\_\_\_\_

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TJ Gilmore, Mayor

**ATTEST:**

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Jennifer Malone-Ippolito, City Secretary

**APPROVED AS TO FORM:**

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Lizbeth Plaster, City Attorney