

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AUTHORIZING THE ACQUISITION OF A SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ON APPROXIMATELY 2.096 ACRES ACROSS PORTIONS OF A TRACT OF LAND OUT OF THE A.G. KING SURVEY, ABSTRACT 698, FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, OR ENLARGEMENT OF AND ACCESS TO A SANITARY SEWER LINE TO PROVIDE NECESSARY SEWER SERVICE TO THE EAST SIDE OF OLD TOWN; 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 EASEMENTS; 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 2.096 acres (91,266 square feet) 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 and access to a sanitary sewer line to provide adequate sewer services for new developments and increase the potential for redevelopment of properties on the east side of Old Town (the “Project”), and that there exists a public necessity to acquire a permanent sanitary sewer easement and a temporary construction easement to expire upon completion of the sanitary sewer improvements as described in and depicted more fully on Attachment 1, attached here to and incorporated herein for all purposes (the “Easements”); and,

WHEREAS, the City Council desires to acquire the Easements for the aforementioned public uses in conjunction with the Project because, in part, the Easements are necessary for the construction of a sanitary sewer line which will support new development and other redevelopment efforts in Old Town; and,

WHEREAS, the City Council desires that the City Manager or her designee (the “City Manager”), take all necessary steps to acquire the Easements 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 Easements) is a public use, and that public necessity requires that the City acquire the Easements for the Project.

SECTION 3: Authorizing Acquisition. The City Manager is hereby directed to acquire the Easements 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 Easements 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 Easements, 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 Easements as outlined herein, including but not limited to, an offer letter to acquire the Easements.

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

SECTION 7: Source of Funds. The amount to be paid, if any, for acquiring the Easements 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.

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

RESOLUTION NO. _____

Page 3

RESOLVED THIS the ____ day of _____, 2025.

APPROVED:

TJ Gilmore, Mayor

ATTEST:

Jennifer Malone, Acting City Secretary

APPROVED AS TO FORM:

Lizbeth Plaster, City Attorney