

## **MEMORANDUM**

**TO:** Donna Barron, City Manager

**FROM:** David Salmon, P.E., City Engineer & Lizbeth Plaster, City Attorney

**VIA:** Eric Ferris, Assistant City Manager

**DATE:** March 5, 2019

**SUBJECT:** **Approval of a Resolution Consenting to the Exercise of the Power of Eminent Domain in the City of Lewisville by the Upper Trinity Regional Water District for the 72-Inch Waterline from the Tom Taylor Water Treatment Plant on Kealy Avenue in Lewisville TX to the Stone Hill Pump Station on Justin Road in Flower Mound TX.**

### **BACKGROUND**

The Upper Trinity Regional Water District proposes to build a 72-inch water transmission main generally parallel to an existing 48-inch transmission main and the KCS Railroad line running from the Taylor Plant on Kealy Avenue to Stone Hill Pump Station in Flower Mound. The new main is to address existing and future capacity requirements to provide adequate service to the UTRWD member cities. The existing main is within a 20-foot wide easement. In order to construct, access and maintain the Project, UTRWD needs to acquire easements as shown on exhibit A attached to the resolution whether by donation, friendly purchase, or eminent domain. The UTRWD board passed a resolution to allow the use of eminent domain to obtain easements for the new main if necessary and has requested the City of Lewisville to approve a resolution in support of allowing the UTRWD to use eminent domain.

### **ANALYSIS**

State law provides that the UTRWD may not exercise the power of eminent domain to acquire any property located in a municipality without the prior consent by resolution of the governing body of the municipality in whose jurisdiction the subject property is located. Thus, a resolution consenting to the use of eminent domain is required from the City of Lewisville to allow the UTRWD to use eminent domain within the Lewisville city limits.

Staff has met with the UTRWD staff on several occasions to review the project and discuss specific issues regarding the alignment. It should be noted one of the required easements is within a City park on Daffodil Lane. This easement is necessary to avoid a direct impact to several existing single-family homes on Crutchfield Lane. The UTRWD has also reached out to the Huffines

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Communities to discuss specifics on the property immediately west of Summit Avenue on which they have a contract. The UTRWD and Huffines Communities has come to a tentative agreement regarding the location and dimensions of the easements as well as construction timing to minimize disruption of the proposed development. The UTRWD has and will continue meeting with and negotiating with property owners to acquire the easements through donation or friendly purchase. As negotiations continue, easement locations and dimensions may be adjusted somewhat based on property owner requests. Resolution Attachment A shows a worst-case scenario.

Construction is expected to begin in early 2020 with completion in summer of 2021.

### **RECOMMENDATION**

That the City Council approve the resolution as set forth in the caption above.