

RESOLUTION

of the

**DALLAS AREA RAPID TRANSIT BOARD**

(Executive Committee)

RESOLUTION

Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel CB3-009 Located in the City of Plano, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for This Parcel, if Necessary

WHEREAS, Dallas Area Rapid Transit (DART) was created to provide a regional public transportation system, and the acquisition of real property and the planning, design, engineering, and construction of improvements thereon are functions fundamental to the provision of a public transportation system; and

WHEREAS, the parcel described in Exhibit 1 is required for the construction of the Silver Line Regional Rail project; and

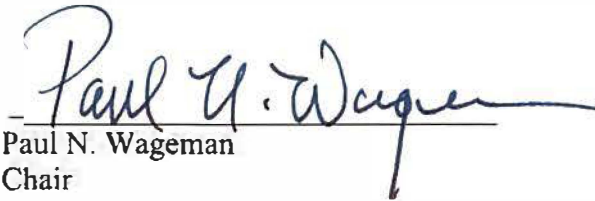
WHEREAS, after careful review of this parcel and the recommendation of the President/Executive Director, the Board desires to declare the acquisition of this parcel a public necessity, to approve the offer of just compensation for this parcel, and to authorize the President/Executive Director or his designee to proceed with the negotiation and purchase of this parcel, and if necessary, the acquisition of this parcel through eminent domain; and

WHEREAS, funding for this real estate acquisition is within current Budget and FY 2021 Twenty-Year Financial Plan allocations.


NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit (DART) Board of Directors that there is a public necessity for the acquisition of Parcel CB3-009 described in Exhibit 1. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Appraiser and reviewed by Texas State Certified Appraiser. In the event the property owner accepts the payment of just compensation, the President/Executive Director or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the President/Executive Director or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART's Real Estate Policy. If the President/Executive Director or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 1 without approval of such acquisition by the City Council of the City of Plano for CB3-009. DART's exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.

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Jonathan R. Kelly
Secretary


Paul N. Wageman
Chair

APPROVED AS TO FORM:


Gene Gamez
General Counsel

ATTEST


Gary C. Thomas
President/Executive Director

December 8, 2020
Date