

A Resolution of the City of Plano, Texas approving Dallas Area Rapid Transit (“DART”) Resolution No. 200132 for the acquisition of the following parcel of land in the City of Plano, Texas for the purpose of construction, improvement, and operation of DART’s Silver Line Regional Rail Project and other public improvements and projects related hereto – Parcel CB3-009 at 680 Executive Drive; and providing an effective date.

WHEREAS, Chapter 452 of the Texas Transportation Code grants to DART the right of eminent domain to acquire any interest in real property, including a fee simple interest and the use of air and subsurface space; and

WHEREAS, Chapter 452 of the Texas Transportation Code further provides that such right of eminent domain may not be exercised within a municipality without the approval of each proposed acquisition by the governing body of such municipality; and

WHEREAS, on December 8, 2020, by Resolution No. 200132, the Board of Directors of DART declared a public necessity and a public purpose for the acquisition of Parcel CB3-009 at 680 Executive Drive, more particularly described in field notes describing the parcel marked Exhibit “1”, attached hereto and made a part thereof; and

WHEREAS, the property owner may be unwilling to accept DART’s offer that is based on the appraised value as determined by a Texas State Certified Appraiser, thereby making it necessary to acquire and take possession of the parcel by eminent domain; and

WHEREAS, DART seeks the approval of the City Council of the City of Plano to acquire the parcel described in Exhibit “1” by eminent domain and DART shall not exercise its power of eminent domain for the acquisition of the parcel without said approval; and

WHEREAS, on December 8, 2020, by Resolution No. 200132, the Board of Directors of DART authorized the acquisition by Eminent Domain and Deposit of Funds for immediate possession; and

WHEREAS, the City Council finds it is the best interest of the City to approve the proposed acquisition.

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

Section I. The City Council hereby approves DART Resolution No. 200132, adopted by DART Board of Directors on December 8, 2020, marked Exhibit “A”, attached hereto and made a part hereof.

Section II. The City Council hereby approves the proposed acquisition, including the exercise of the right of eminent domain, if such becomes necessary, by DART in the City of Plano of property in fee simple and interests less than fee simple, as identified in DART Resolution No. 200132 for the development, construction, improvement, and operation of the DART Silver Line Regional Rail Project, and as more particularly described in field notes marked "Exhibit 1" to DART Resolution No. 200132, attached hereto and made a part hereof, as well as other public improvements and projects related thereto. Public necessity requires the acquisition of the above described property.

Section III. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED THE 8th DAY OF FEBRUARY, 2021.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY