

**RESOLUTION**

of the

DALLAS AREA RAPID TRANSIT BOARD

(Executive Committee)

RESOLUTION

Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-013 and CB3-014 Located in the City of Plano, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for All Parcels, 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 parcels described in Exhibits 1-2 are required for the construction of the Silver Line Regional Rail project; and

WHEREAS, after careful review of these parcels and the recommendation of the Interim President & Chief Executive Officer, the Board desires to declare the acquisition of these parcels a public necessity, to approve the offer of just compensation for these parcels, and to authorize the Interim President & Chief Executive Officer or his designee to proceed with the negotiation and purchase of these parcels, and if necessary, the acquisition of these parcels through eminent domain; and

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

WHEREAS, DART seeks to limit or eliminate DART's Environmental Liability by:

1. Asking the property owner to add DART to any Voluntary Cleanup Program (VCP) application before DART acquires the parcel;
2. Having the property owner's environmental consultant develop a work plan, coordinate the work plan with DART's contractor, and perform the construction activities to allow the property owner to control impact to the contamination or not interfere with their remediation activities;
3. Having DART's Contractor perform the work, develop the work plan with input and approval from the property owner. Communicate frequently with the property owner to coordinate business operations, minimize the impact to the contamination and not interfere or exacerbate the property owner's remediation activities; and

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit (DART) Board of Directors that:

Section 1:

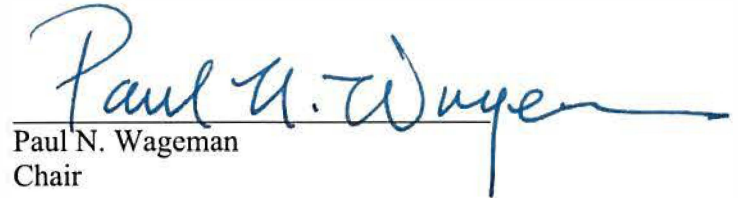
There is a public necessity for the acquisition of Parcel CB3-013 described in Exhibit 1. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to 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 a Texas State Certified Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer 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 Interim President & Chief Executive Officer 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 Interim President & Chief Executive Officer 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 CB3-013. 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.

Section 2:

There is a public necessity for the acquisition of Parcel CB3-014 described in Exhibit 2. 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 a Texas State Certified Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer 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 Interim President & Chief Executive Officer 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 Interim President & Chief Executive Officer 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 2 without approval of such acquisition by the City Council of the City of Plano for CB3-014. 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


David Leininger
Interim President & Chief Executive Officer

March 23, 2021
Date