

A Resolution of the City of Plano, Texas, approving the use or taking of a portion of City of Plano public parkland, known as Overland Trail, pursuant to Chapter 26 of the Texas Parks and Wildlife Code for dedication of parkland as a permanent utility and access easement for the purpose of utility infrastructure improvements to the Overland Trail located in the northeast corner of the property adjacent to Janwood Drive; authorizing the City Manager, or his designee, to execute all necessary documents; and providing an effective date.

WHEREAS, the City of Plano has requested a permanent utility easement and access easement to memorialize existing stormwater line improvements within Overland Trail, adjacent to Janwood Drive (the "Project") as depicted on the drawings attached hereto as Exhibit "A" (called "Easement") which requires the use or taking of a portion of City of Plano public parkland known as Overland Trail (called the "parkland"); and

WHEREAS, Chapter 26 of the Texas Parks and Wildlife Code requires a public hearing for the use or taking of public parkland, at which the governing body must determine whether any feasible and prudent alternative to the use or taking of public parkland exists, and whether the proposed use or taking includes all reasonable planning to minimize the harm to the parkland; and

WHEREAS, Notice of the Public Hearing was duly served and published in conformity with Chapter 26 of the Texas Parks and Wildlife Code for the Project; and

WHEREAS, the City Council held a public hearing on April 26, 2021 regarding the Project during which all interested persons had the opportunity to testify and present relevant evidence before the City Council.

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

Section I. After hearing and review of all the testimony, evidence, and other relevant information at the Public Hearing, the City Council hereby finds and determines that:

- 1) There is no feasible and prudent alternative to the use or taking of the portion of public parkland at Overland Trail as proposed by the Project; and
- 2) The Project includes all reasonable planning to minimize the harm to the parkland resulting from the use or taking.

Section II. The City Council further finds that the Project is in the public interest generally, and in the best interest of the citizens of the City of Plano, Texas. Accordingly, the City Council approves the use or taking of a portion of Overland Trail through a permanent utility easement and permanent access easement, as depicted in Exhibit "A".

Section III. The City Manager, or his designee, is hereby authorized to execute all necessary documents in connection with the change in use and the Easements on behalf of the City of Plano.

Section IV. This Resolution shall become effective immediately from and after its passage.

DULY PASSED AND APPROVED this the 26th day of April, 2021.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY