

**A Resolution of the City of Plano, Texas, approving the use or taking of a portion of City of Plano public park land, known as Hoblitzelle Trail, pursuant to Chapter 26 of the Texas Parks and Wildlife Code to approve using a portion of dedicated park land as permanent utility easements, permanent access easements and temporary construction easements for the purpose of improvements to the Hoblitzelle Trail located adjacent to the park and extending east to Vineyard 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 permanent utility easements, permanent access easements, and temporary construction easements, attached hereto as Exhibits “A”, “B”, “C”, “D”, “E” and “F” (the “Easements”), for the purpose of water line improvements adjacent to Hoblitzelle Trail between Zelphia Circle and Vineyard Drive (the “Project”) which requires the use or taking of a portion of City of Plano public park land known as Hoblitzelle Trail (called the “Park Land”); and

**WHEREAS**, Chapter 26 of the Texas Parks and Wildlife Code requires a public hearing for the use or taking of public park land, at which the governing body must determine whether any feasible and prudent alternative to the use or taking of public park land exists, and whether the proposed use or taking includes all reasonable planning to minimize the harm to the park land; 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 July 26, 2021 regarding the proposed use of the Park Land 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 Park Land at Hoblitzelle Trail as proposed by the Project; and
- 2) The Project includes all reasonable planning to minimize the harm to the Park Land 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 the Easements on the Park Land.

**Section III.** The City Manager, or his designee, is hereby authorized to execute all necessary documents in connection with this Resolution 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 26<sup>th</sup> day of July, 2021.**

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY