

**A Resolution of the City of Plano, Texas approving Dallas Area Rapid Transit (“DART”) Resolution No. 210036 for the acquisition of Parcel CB3-014 at 901 10<sup>th</sup> Street 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; 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 a resolution adopted by DART and approved by resolution of the appropriate municipality is conclusive evidence of the public necessity for the acquisition described in the resolution and that the property interest is necessary for public use; and

**WHEREAS**, on March 23, 2021, by Resolution No. 210036, the Board of Directors of DART declared a public necessity and a public purpose for the acquisition of Parcel CB3-014 at 901 10<sup>th</sup> Street more particularly described in field notes describing the parcel marked Exhibit “2”, attached hereto and made a part thereof; and

**WHEREAS**, the property owner and DART have reached an impasse in their negotiations for the acquisition of the parcel; and

**WHEREAS**, DART seeks the approval of the City Council of the City of Plano to acquire the parcel described in Exhibit “2”; and

**WHEREAS**, on March 23, 2021, by Resolution No. 210036, 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. 210036 as it pertains to the parcel described in Exhibit “2”, adopted by DART Board of Directors on March 23, 2021, marked Exhibit “A”, attached hereto and made a part hereof, thereby providing conclusive evidence of the public necessity for the acquisition described in the resolution and that the property interest is necessary for public use.

**Section II.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED THE 26th 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