

**A Resolution of the City of Plano, Texas, approving the use or taking of a portion of City of Plano public parkland, known as Schell Park, pursuant to Chapter 26 of the Texas Parks and Wildlife Code for dedication of parkland as a permanent utility easement for the purpose of water and storm sewer improvements located on R Avenue between Puma Road and Jasmine Lane; 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 attached hereto as Exhibits "A" and "B" (the "Easements"), for the purpose of water line improvements located on R Avenue between Puma Road and Jasmine Lane (the "Project") which requires the use or taking of a portion of City of Plano public parkland known as Schell Park (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 September 27, 2021 regarding the proposed use of the parkland 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 parkland at Schell Park 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 the Easements on the parkland.

**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 27<sup>th</sup> day of September, 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