

A Resolution of the City of Plano, Texas, approving the use or taking of a portion of City of Plano public parkland, known as Legacy Trail at Ohio Drive, pursuant to Chapter 26 of the Texas Parks and Wildlife Code to approve using a portion of dedicated parkland as temporary storage and a utility easement for the purpose of Preston Road Lift Station improvements located at 8015 Ohio Drive; authorizing the City Manager, or his designee, to execute all necessary documents; and providing an effective date.

WHEREAS, the North Texas Municipal Water District has requested temporary storage and a utility easement attached hereto as Exhibit "A, B, and C" (the "Easement"), for the purpose of Preston Road Lift Station improvements located at 8015 Ohio Drive (the "Project"), on a portion of the City of Plano parkland, known as Legacy Trail at Ohio Drive (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 8, 2024, 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 reviewing 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 such land; and
- 2) The Project includes all reasonable planning to minimize the harm to the land as a park, recreation area, scientific area, wildlife refuge, or historic site 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 Easement 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.

PASSED AND APPROVED on the 8th day of April, 2024.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY