

The Lower Bois d'Arc Creek Reservoir and Fannin County Land for a New Reservoir



The North Texas Municipal Water District (NTMWD) has determined that it must build a new reservoir to meet the continuing demands for water in the North Texas area. The reservoir that will be built in Fannin County is currently known as the Lower Bois d'Arc Creek Reservoir. For the full normal pool of the Reservoir, 16,526 acres will be needed. An additional estimated 5,574 acres will be purchased for the flood pool. Additional land will be needed to mitigate environmental impacts of the Reservoir. NTMWD will work with the U.S. Army Corps of Engineers to determine mitigation requirements. Although there are some homes in the area, most of this land is currently agricultural or undeveloped.

The NTMWD will notify the people who own land needed for this project in writing. Prices for the land will then be negotiated with each landowner based on the value of their individual property. All land must be acquired prior to construction, which is currently scheduled to begin in 2015.

Appraisals and Negotiations

Whenever possible, the NTMWD acquires property through negotiation, which is based on an appraisal by an impartial appraiser. The Texas Constitution states that "No person's property may be taken, damaged, or destroyed for or applied to public use without



adequate compensation." According to law, the NTMWD is required to negotiate with property owners in an effort to reach an agreement on the amount of compensation for property required for this project. Compensation will be based on the market value of the land at the time of negotiation.

If negotiations are unsuccessful, the NTMWD must acquire the

property required for the project through eminent domain proceedings. If that is necessary, Texas law sets forth specific procedures to determine the final compensation. Whether the property is acquired through negotiation or through eminent domain, Texas law requires that a property owner be paid market value for their land to be determined as of the time it is acquired for the project.

Frequently Asked Questions about Land Acquisition and Use

Do you know exactly which parcels of land must be purchased for this project?

The NTMWD is currently identifying which parcels are needed for the Reservoir. The plan is to purchase land outright to an elevation of 541 feet mean sea level (msl) around the Reservoir site. A flood easement around the site will be purchased for land with elevations between 541 and 545 feet msl.

Is there a set price per acre?

No. Land values can vary greatly depending on the size, location, and highest and best use of the property, along with many other factors. The NTMWD will work with landowners individually to determine the market value of their property. A fair, impartial appraisal of each property will determine the NTMWD's offer to purchase the property.

Who sets the price for the land?

Property will be purchased based on the market value of the property, or what a willing buyer would pay a willing seller. If the NTMWD and landowner can agree on the price, then the property will be purchased for that amount. If not, a fair and impartial appraisal will be obtained by the NTMWD to determine fair market value and the amount of the offer.

What if I don't want to sell?

Texas law permits the acquisition of land for the public good under the process of eminent domain. If a negotiated purchase cannot be agreed upon, a formal

court procedure will determine compensation based on the market value of the property at the date the NTMWD acquires the property.

What if the NTMWD only needs part of a parcel?

If only a part of a tract of land is needed, the NTMWD will pay market value for the part of the land required, and for damages, if any, to the remainder of the property, all as determined by the eminent domain laws. Regardless of the size of the tract of land, or the amount of the land needed for the project, the NTMWD will work with each landowner to obtain a fair, impartial appraisal and determine a fair purchase price.

Who pays the legal and appraisal fees?

In negotiated purchases between the NTMWD and the landowner, the NTMWD pays for the initial appraisal, legal fees, and closing costs associated with a transfer based on that appraisal. However, the NTMWD does not pay for any legal fees or appraisal fees incurred by a property owner in these situations. Those costs are the responsibility of the property owner. If eminent domain is required, each party typically is responsible for their own attorney's fees and appraisal fees. Cost of Court is assessed by the Court in those situations.

How quickly will these purchases take place?

Plans call for all land to be acquired prior to construction, which is slated

to begin in 2015. The NTMWD is currently identifying property needed for this project, and it has notified some landowners. If you have been notified that your property is under consideration for purchase, you can speed the process by allowing surveyors and scientists access to your property to determine suitability.

If your property is identified as needed, the formal appraisal and offer process begins. The time frame for a negotiated transfer is less than six weeks. Of course, contested transactions will take longer.

What if the NTMWD purchases land and then doesn't use it?

This is very unlikely. Property will be purchased based on plans for the Reservoir, which have been developed and scrutinized for many years. If property is not needed, it will not be purchased. However, in the unlikely event the NTMWD purchases property that is not necessary for the project, the NTMWD will follow the provisions in the sales agreement related to that circumstance.

