



NORTH TEXAS MUNICIPAL WATER DISTRICT

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REAL ESTATE COMMITTEE MEETING MINUTES MAY 26, 2021

In accordance with the COVID-19 public health threat and the related March 16, 2020, action by the Office of the Governor, temporarily suspending certain provisions of the Texas Open Meetings Act, NTMWD will hold its meeting by telephonic conference call.

In lieu of physical attendance, the public may teleconference in to the meeting by calling toll free (1) (844)-621-3956 and entering the following access code: 928 587 040. Members of the public wishing to make public comment during the meeting should follow the instructions for on-line registration listed under Item II. below no later than the start time of the meeting. The meeting will be recorded and the audio recording will be available on the NTMWD website after the meeting.

I. CALL TO ORDER

Chairman George Crump called the meeting of the North Texas Municipal Water District (NTMWD) Real Estate Committee to order at approximately 10:00 a.m. on May 26, 2021.

General instructions were provided to attendees. The roll was called, and teleconference attendance was confirmed of the Real Estate Committee members including Chairman George Crump, Directors Terry Sam Anderson, Robert Appolito, Marvin Fuller, Don Gordon, David Hollifield, and Blair Johnson. Any reference to unanimous votes refers to a unanimous vote of the Committee members present.

Members of the Executive Committee were present as well as other Board members and members of the NTMWD management team. Lauren Kalisek with Lloyd Gosselink Rochelle & Townsend was present via teleconference.

II. PUBLIC COMMENTS (FOR TELECONFERENCE COMMITTEE MEETINGS ONLY)

INSTRUCTIONS FOR PUBLIC COMMENT ON-LINE REGISTRATION: Prior to the start of the Real Estate Committee meeting, members of the public wishing to provide public comment must submit via email to PublicRelations.Info@ntmwd.com their first and last name, organization, comment topic, mailing address and email address. During the public comment portion of the meeting, speakers will be recognized by name and asked to provide their comments. The time limit is five (5) minutes per speaker, not to exceed a total of thirty (30) minutes for all speakers. The Committee may not discuss these items, but may respond with factual or policy information. Public comment is provided for

committee meetings held by teleconference during the COVID-19 health threat to confirm the opportunity for two-way communication with the public during the meeting.

There were no requests for public comments.

III. OPENING REMARKS

- A. Chairman/Executive Director/Committee Champion Report concerning legislation and regulatory matters, budgets, current projects and ongoing programs of the District related to real estate

Assistant Deputy Mark Simon briefly reviewed the agenda items.

IV. ACTION ITEMS

- A. Consider approval of Real Estate Committee meeting minutes – March 24, 2021

Upon a motion by Director David Hollifield and a second by Director Marvin Fuller, the Real Estate Committee voted unanimously to approve the March 24, 2021 minutes.

- B. **Consider recommendations on May 2021 regular Board meeting agenda items as follows:**

1. Adoption of Resolution No. 21-19 authorizing encroachment agreement at the Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4 project – Consent Agenda Item No. 21-05-04

- Consider recommendation on adoption of Resolution No. 21-19 authorizing an encroachment agreement with D.R. Horton-Texas, Ltd., acting on behalf of Collin County Municipal Utility District CR412, at the Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4, Project No. 101-0425-16

Garrett Murphree, NTMWD Real Estate Manager presented this item. He advised that D.R. Horton is constructing a residential development across an area of the Treated Water Pipeline. The property is where Parcel 4016 of the Treated Water Pipeline easement (TWPL) is located. D.R. Horton will install a 10-inch water line, add fill, and construct a roadway at a 90-degree angle across the TWPL. The water line will be constructed within the roadway; the roadway will be dedicated to the public by plat.

Mr. Murphree advised that the TWPL easement allows for these improvements and the NTMWD staff confirm the improvements are not detrimental to the TWPL. NTMWD estimates completing installation of the 84-inch TWPL within the encroachment area in June 2021. D.R. Horton will not work within the encroachment area until the TWPL is installed. A location map was provided.

In response to a Director's question, Mr. Murphree advised that permanent structures are not allowed to be built over the District's pipelines, however driveways, sidewalks, and parking lots are allowable with District approved plans.

Upon a motion by Director Terry Sam Anderson and a second by Director Marvin Fuller, the Real Estate Committee voted unanimously to recommend approval to the Board of Directors.

2. Authorize execution of right-of-way acquisition program and adoption of Resolution No. 21-26 authorizing the use of eminent domain to acquire right-of-way for the McKinney East Side Extension Improvements project – Administrative Memorandum No. 5729

- Consider recommendation on authorizing the Executive Director to execute a right-of-way acquisition program with a budget of \$880,000, and adoption of Resolution No. 21-26 authorizing the use of eminent domain to acquire right-of-way for the McKinney East Side Extension Improvements, Project No. 501-0551-19, and delegating authority to initiate condemnation proceedings to the NTMWD Executive Director

Garrett Murphree presented this item. He explained that the existing interceptor needs to be replaced and upgraded within the existing easement. Additional permanent and temporary easements are needed to complete the work.

Mr. Murphree reviewed that the two existing gravity interceptors convey flow from Anna, McKinney, and Melissa to the North McKinney Lift Station as well as the future North McKinney Transfer Lift Station. A 2015 Upper East Fork Interceptor System Evaluation recommended increasing capacity due to population growth in the service area. A 2016 internal inspection found the McKinney East Side Extension interceptor, completed in 1993, is in poor condition and in need of improvements. The existing 21-inch/24-inch lines will be replaced and upsized with pipes varying from 54-inches to 66-inches. The project requires approximately 0.048 acres of permanent and 30.329 acres of temporary easements. He noted that the permanent easement will be acquired from DART rather than having a license agreement. A location map was provided.

Upon a motion by Director Robert Appolito and a second by Director Don Gordon, the Real Estate Committee voted unanimously to recommend approval to the Board of Directors.

V. DISCUSSION ITEMS

A. Real estate related items:

1. Property size increase – Meter Vault Station, Richardson No. 2

Garrett Murphree presented this item. He advised this is to notify the Board there is a slight change to the easement sizes needed for this project. He reviewed that the Richardson No. 2 site is part of the Meter Vault Station, Phase IV, Set Point Control. The Board approved property acquisition in October 2020, which consisted of 1.15 acres of permanent and 1.10 acres of temporary easements. Richardson No. 2 contributed 0.2337 acres of permanent and 0.2177 acres of temporary easements.

The Meter Vault size has increased from 32 MGD to 40 MGD to meet City of Richardson's highest estimated flow. The Plano West Side Pipeline will feed into

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the site and needs a 40-foot-wide easement, not 30 feet. The property need has increased to 0.3578 acres permanent and 0.2622 temporary easements.

In response to a Director's question, Mr. Murphree advised that this change to the amount of property needed for easements will cost an additional approximate \$40,000.

In response to a Director's question, Mr. Murphree stated that additional dollars are budgeted for easement acquisitions but not specifically for diminished value as a result of the District's easements across private property.

- B. Opportunity for Committee members to provide feedback on Real Estate Committee meeting

Director Don Gordon added remarks concerning the legal ramifications for the District's easements and the fact that the affected property owners are not able to build permanent structures once the District installs pipelines.

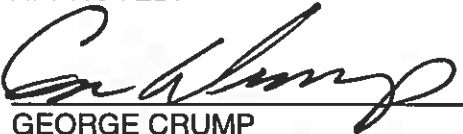
- C. Opportunity for Committee members to request potential future agenda items
(No substantive discussion of items will take place at this time)

Chairman Crump advised that he would include discussion of the cost of diminished value of property due to easements to a future agenda.

VI. ADJOURNMENT

There being no further business, the Real Estate Committee meeting adjourned at 10:25 a.m.

APPROVED:


GEORGE CRUMP
Chairman