



NORTH TEXAS MUNICIPAL WATER DISTRICT

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REAL ESTATE COMMITTEE MEETING MINUTES JUNE 23, 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 David Hollifield called the meeting of the North Texas Municipal Water District (NTMWD) Real Estate Committee to order at approximately 1:31 p.m. on June 23, 2021.

General instructions were provided to attendees. The role was called, and teleconference attendance was confirmed of the Real Estate Committee members including Chairman David Hollifield, Directors John Carr, Marvin Fuller, Geralyn Kever, and Keith Stephens. Director Robert Appolito was absent. 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, and Lewis Isaacks with Saunders Walsh & Beard were 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,

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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

Chairman Hollifield welcomed everyone to the meeting.

Assistant Deputy Mark Simon briefly reviewed today's agenda items, and well as items planned for the July and August meetings.

Executive Director Jenna Covington advised that in the future there will be a strategic review of the Committee's mission, and that plans are for the Committee to not meet monthly in the future.

IV. ACTION ITEMS

- A. Consider approval of Real Estate Committee meeting minutes – May 26, 2021

Upon a motion by Director Marvin Fuller and a second by Director Keith Stephens, the Real Estate Committee voted unanimously to approve the May 26, 2021 minutes.

At 1:38 p.m. Chairman Hollifield announced that an Executive Session of the Real Estate Committee was being called to discuss Item No. IV. B,1. on the agenda pursuant to Texas Government Code, Section 551.071, Consultation with Attorney.

Chairman Hollifield confirmed with staff that the public access line was disconnected and that the audio recording was disabled during the Executive Session discussion.

- B. Consider recommendations on June 2021 regular Board meeting agenda items as follows:
1. **Authorize additional funding of legal services on Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4 project – Administrative Memorandum No. 5738**
 - Consider recommendation on authorizing additional funding of \$1,000,000 with Saunders, Walsh & Beard, Attorneys & Counselors, resulting in the total authorization of \$8,230,500 and adoption of Resolution No. 21-34 authorizing the additional funding of right-of-way for the Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4, Project No. 101-0425-16

Open Session reconvened at 2:06 p.m. No action was taken in Executive Session. The public teleconference line was reconnected.

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Upon a motion by Director John Carr and a second by Director Keith Stephens, the Real Estate Committee voted unanimously to recommend approval to the Board of Directors.

2. Adoption of Resolution No. 21-28 authorizing encroachment and use agreement – Consent Agenda Item No. 21-06-05

- Consider recommendation on adoption of Resolution No. 21-28 authorizing an encroachment and use agreement with H-E-B, LP

Garrett Murphree, Real Estate Manager, presented this item. He advised that H-E-B, LP is constructing a grocery store in the City of Forney and wishes to construct portions of their parking lot and driveway over the District's 20-foot easement for the 30-inch Forney to Terrell treated water line.

Mr. Murphree provided a location map of the area. He added that the easement allows for these improvements. He noted that the encroachment agreement shall not allow underground construction within the easement, and no surface pavement is to extend within three vertical feet of the pipeline. H-E-B will ensure the pipeline is protected from construction loadings at all times.

In response to a Director's question, Assistant Deputy R.J. Muraski responded that this pipeline is a 30-inch bar-wrapped treated water line that comes from Lake Tawakoni and was installed in 2007.

Discussion followed as to whether the District would have any financial responsibility for the parking lot or driveway should the pipeline need repairs within the easement in the future. Mr. Murphree advised that Item 6 in the proposed agreement states specifically that H-E-B would be responsible for repairing their pavement if the District has to work in the area.

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

3. Authorize execution of right-of-way acquisition program and adoption of Resolution No. 21-32 authorizing the use of eminent domain to acquire right-of-way for the Plano West Side Pipeline, Plano Delivery Point No. 3 to Richardson Delivery Point No. 2 projects – Administrative Memorandum No. 5736

- Consider recommendation on authorizing the Executive Director to execute a right-of-way acquisition program with a budget of \$3,600,000, and adoption of Resolution No. 21-32 authorizing the use of eminent domain to acquire right-of-way for the Plano West Side Pipeline, Plano Delivery Point No. 3 to Richardson Delivery Point No. 2, Project No. 101-0566-20, and delegating authority to initiate condemnation proceedings to the NTMWD Executive Director

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Garrett Murphree presented this item. He advised this item is to recommend acquisition of permanent and temporary easements and authorize the use of eminent domain if necessary.

Mr. Murphree provided a location map and explained that the 48-inch Plano/Richardson West Side Pipeline runs along Renner Road from Shiloh Road to Custer Road. At Custer, it connects to the Plano West Side Pipeline, which has north-south and east-west segments. The east-west segment continues as a 30-inch pipeline along Renner Road to Richardson Delivery Point No. 2. As the only source of water for Richardson No. 2, it represents a single point of failure in the system. Mr. Murphree advised that the north-south segment continues as a 30-inch pipeline north along Custer Road to Plano Delivery Point No. 3. This line was installed in 1975 and has required an increased level of corrective maintenance in recent years.

Mr. Murphree advised that this project involves a new parallel 36-inch line for the east-west segment along Renner Road, and a new replacement 36-inch line (with abandonment of the existing 30-inch line) along Custer Road. The project includes approximately 8.71 acres of permanent and 6.4 acres of temporary easements.

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

4. Authorize execution of right-of-way acquisition program and adoption of Resolution No. 21-33 authorizing use of eminent domain to acquire right-of-way for the Plano-McKinney Water Transmission System, Phase I, Pipeline Relocation projects and Upper East Fork Interceptor System Pipeline Relocation project – Administrative Memorandum No. 5737

- Consider recommendation on authorizing the Executive Director to execute a right-of-way acquisition program with a budget of \$1,092,000 and adoption of Resolution No. 21-33 authorizing the use of eminent domain to acquire right-of-way for the Plano-McKinney Water Transmission System, Phase I, Relocation of 84-inch and 42-inch Pipelines, and Upper East Fork Interceptor System, Relocation of 60-Inch Wastewater Pipeline, Project No. 101-0544-19 and delegating authority to initiate condemnation proceedings to the NTMWD Executive Director

Garrett Murphree presented this item. He advised that this item is to consider recommending the execution of a right-of-way acquisition program and authorize use of eminent domain if necessary. He advised the relocation of water transmission lines are required to accommodate the Texas Department of Transportation's (TxDOT) widening of FM 2551, between FM 2514 and FM 2170. Location maps were provided.

Mr. Murphree explained that portions of the 84-inch Plano/McKinney Water Transmission Pipeline, the 42-inch North Plano Pipeline, and the 60-inch Rowlett

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Cottonwood Transfer Sewer Parallel must be relocated outside the TxDOT right-of-way limit. Mr. Murphree advised this project requires approximately 2.376 acres of permanent and 1.164 acres of temporary easements and added that this project is subject to TxDOT reimbursement. A brief discussion of the cost followed. Mr. Murphree reviewed the easement locations, adding that the cost is \$11.50 per square foot. He noted that some of the property belongs to Walgreens.

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

V. DISCUSSION ITEMS

A. Summary of internal Real Estate Services processes

Mark Simon presented this item. For the benefit of new Committee members, he provided an overview of four District personnel involved in Real Estate Services, as well as services that are outsourced. He reviewed that currently there are 18 active real estate programs that consist of 320 parcels. He added that these programs have the potential value of \$48 million in property acquisitions.

Mr. Simon reviewed the processes involved with real estate acquisition that includes engineering, design consultants, estimates, budget, and field work prior to Real Estate Services involvement. Real Estate Services steps were reviewed.

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

Director Marvin Fuller inquired when to expect a discussion on the property catalogue. Mark Simon responded that staff is still evaluating how to present the information and expects it will be ready in August or October.

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

No potential future agenda items were requested.

VI. ADJOURNMENT

There being no further business, the Real Estate Committee meeting adjourned at 2:36 p.m.

APPROVED:

DocuSigned by:

Director David Hollifield

DAVID HOLLIFIELD

Chairman