



NORTH
TEXAS
MUNICIPAL
WATER
DISTRICT

Regional Service Through Unity... Meeting our Region's Needs Today and Tomorrow



REAL ESTATE COMMITTEE MEETING

MARCH 23, 2022 (Via Videoconference)



AGENDA

OPENING REMARKS

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



AGENDA

ACTION ITEMS

- A. Consider approval of Real Estate Committee meeting minutes – January 26, 2022**
- B. Adoption of Resolution No. 22-09 authorizing conveyance of property at the 121 Regional Disposal Facility to the City of Melissa - Consent Agenda Item No. 22-03-06**
- C. Adoption of Resolution No. 22-10 authorizing the conveyance of property in Fannin County to Zulu Internet, Inc. – Consent Agenda Item No. 22-03-07**
- D. Authorize execution of a property acquisition program and adoption of Resolution No. 22-12 authorizing the use of eminent domain to acquire property for the Wylie to Rockwall Pipeline Relocation project – Consent Agenda Item No. 22-03-08**
- E. Authorize relocation of the Plano Spring Creek Force Main and execution of an easement exchange agreement with Dallas Area Rapid Transit (DART) - Administrative Memorandum No. 5819**



AGENDA

DISCUSSION ITEMS

- A. Update on Alan Thomas Decker v. NTMWD, Phillips and Jordan, Inc., Archer Western Construction, LLC and Hammett Excavation, Inc. filed in the 366th Judicial Court, Fannin County, Texas, Cause No. CV-20-44972**
- B. Update on the Bois d’Arc Lake Shoreline Development**
- C. Opportunity for Committee members to provide feedback on the Real Estate Committee meeting or request potential future agenda items**

ADJOURNMENT



AGENDA

IV. ACTION ITEMS

A. Consider approval of Real Estate Committee Minutes – January 26, 2022

**Recommend Approval of Real Estate Committee
Minutes – January 26, 2022**



AGENDA

Garrett Murphree
NTMWD – Real Estate Manager

ACTION ITEMS

B. Authorize adoption of Resolution No. 22-09 authorizing conveyance of property at the 121 Regional Disposal Facility to the City of Melissa – Consent Agenda Item No. 22-03-06

Consider recommendation on adoption of Resolution No. 22-09 authorizing conveyance of property in the form of approximately 0.276 acres permanent utility easement to the City of Melissa at the 121 Regional Disposal Facility

What: Adopt a resolution to authorize the Executive Director to execute a permanent easement with City of Melissa.

Why: City of Melissa is extending its Stiff Creek Gravity Sewer Interceptor line to the north of Sam Rayburn Highway to increase development capacity in an area without sanitary sewer access.



PERMANENT EASEMENT TO CITY OF MELISSA

HISTORY

- City of Melissa requests a permanent utility easement for the extension of its Stiff Creek Gravity Sewer Line to the north of Hwy 121 to allow for additional residential development capacity in the area.
- NTMWD previously granted one Permanent Easement and two Temporary Construction Easements on a parcel of land north of Hwy 121.
- NTMWD previously granted one Permanent Easement and one Temporary Construction Easement within the 121 RDF permit boundary, parallel to Hwy 121.
- City of Melissa requests one additional permanent easement on the parcel of land north of Hwy 121.
- The original item was authorized on the December Consent Agenda.



121 Regional Disposal Facility
Permanent Water Easement to City of Melissa
Consent Agenda Item No. 22-03-06





RECOMMENDATION

The Executive Director and NTMWD staff recommend the Board of Directors adopt Resolution No. 22-09, “*A Resolution for Conveyance of Property in the form of a Permanent Easement to the City of Melissa at the 121 Regional Disposal Facility.*”

**Acquiring
Party:**

City of Melissa

Scope:

Execution of a permanent easement

Project:

N/A



AGENDA

Garrett Murphree
NTMWD – Real Estate Manager

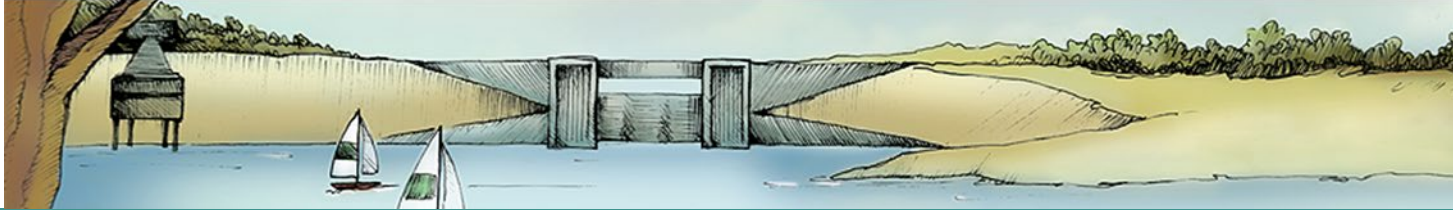
ACTION ITEMS

C. Adoption of Resolution No. 22-10 authorizing the conveyance of property in Fannin County to Zulu Internet, Inc. – Consent Agenda Item No. 22-03-07

Consider recommendation on adoption of Resolution No. 22-10 authorizing the conveyance of permanent easement for communication tower by execution of Communication Tower Easement to Zulu Internet, Inc.

What: Convey easement to Zulu Internet, Inc. for operation of a Communication Tower.

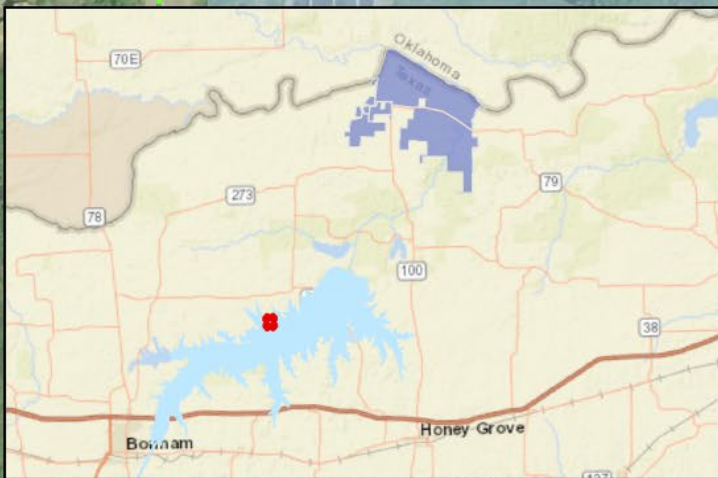
Why: Zulu Internet, Inc. has requested that the District allow them to continue operating the communication tower on the property that is now owned by the District. The communication tower provides improved internet and other communication services to Fannin County, which benefits the public as well as NTMWD.



PERMANENT EASEMENT TO ZULU INTERNET, INC.

BACKGROUND

- NTMWD purchased an approximately 11.77 acre tract from Ronald and Cynthia Weisz on March 9, 2012, for Bois d'Arc Lake and a flood and flowage easement (the Property).
- Prior to NTMWD's purchase, Zulu Internet, Inc., constructed and was operating a communication tower on the Property under a verbal agreement with the Weisz's.
- The communication tower provides internet and other communication services to the residents and businesses of Fannin County, including NTMWD.
- Zulu has requested NTMWD enter into an easement agreement that would allow it to continue to operate and maintain its communication tower at its current location on NTMWD property.
- NTMWD's legal counsel has prepared a Communication Tower Easement Agreement that allows Zulu's Communication Tower to remain on District property while protecting the District's interest. Zulu agrees to the easement language and provisions.



Bois d'Arc Lake
Conveyance of Property - Communication Tower Easement
Project No. 101-0120-07
Consent Agenda Item No. 22-03-07





RECOMMENDATION

The Executive Director, NTMWD staff, and Saunders, Walsh and Beard recommend that the Board of Directors adopt Resolution No. 22-10, “*A Resolution Authorizing Conveyance of Property by execution of Communication Tower Easement to Zulu Internet, Inc.*”

**Acquiring
Party:**

Zulu Internet, Inc.

**Scope:
Tower**

Execution of permanent easement for Communication

Project:

No. 101-0120-07, Bois d’Arc Lake

Amount:

N/A



AGENDA

Garrett Murphree
NTMWD – Real Estate Manager

ACTION ITEMS

- D. Authorize execution of a property acquisition program and adoption of Resolution No. 22-12 authorizing the use of eminent domain to acquire property for the Wylie to Rockwall Pipeline Relocation project – Consent Agenda Item No. 22-03-08**

Consider recommendation on authorizing the Executive Director to execute a property acquisition program and adoption of Resolution No. 22-12 authorizing the use of eminent domain to acquire property for Project No. 101-0526-18, Wylie to Rockwall Pipeline Relocation

What: Authorize Executive Director to acquire property for the previously approved right-of-way acquisition program for the Wylie to Rockwall Pipeline Relocation.

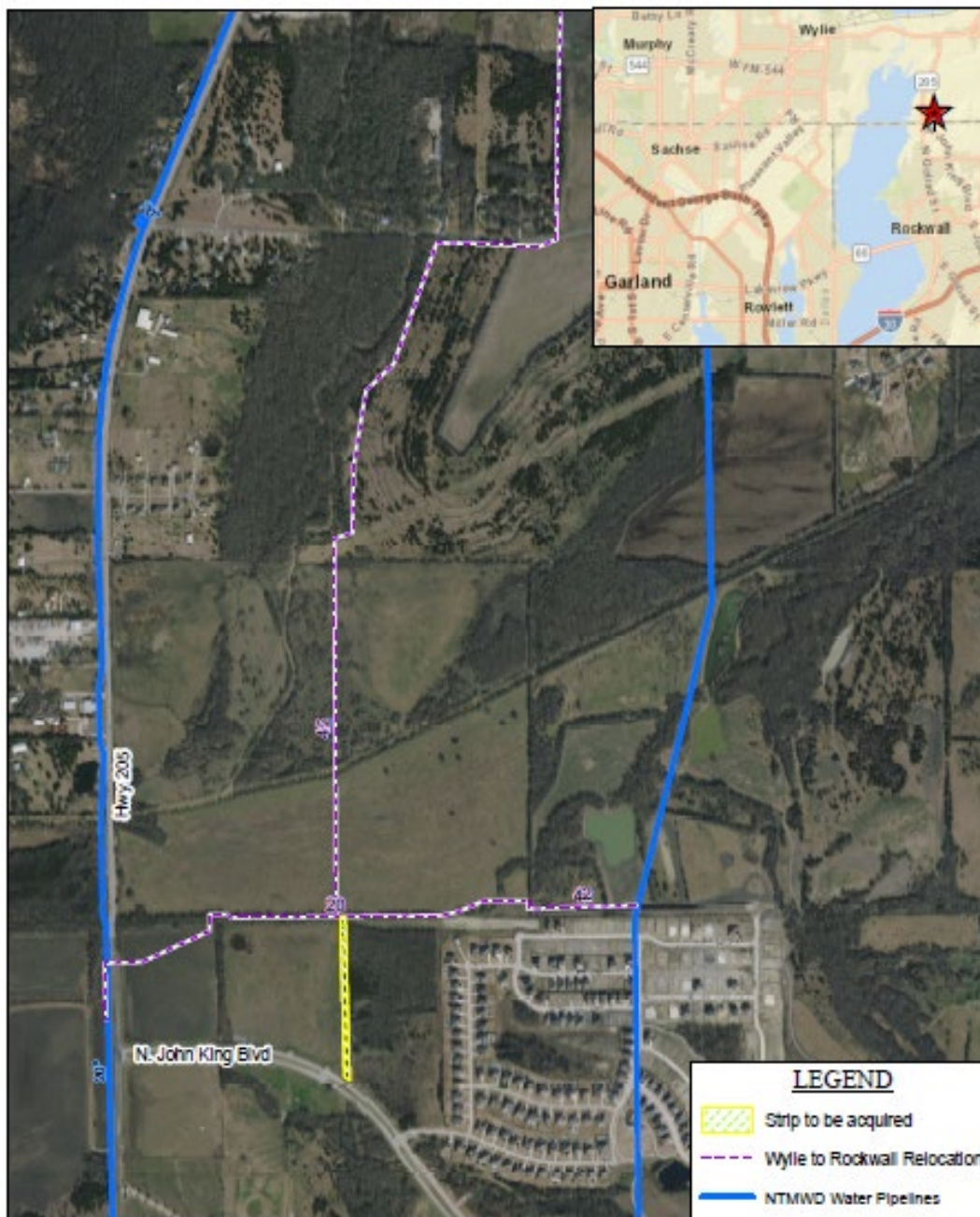
Why: In the course of acquiring permanent and temporary easement for the previously approved right-of-way acquisition program for this project, it was determined an alternate access point for this section of the project is needed to be purchased in fee.






WYLIE TO ROCKWALL PIPELINE RELOCATION

BACKGROUND

- Right-of-Way acquisition program previously approved by Administrative Memorandum 5615 and Resolution 20-40 on August 27, 2020.
- Contractors were unable to use an easement from a prior pipeline project as point of construction access for this project.
- The chosen alternate access point will provide access for this project and will be the location for the Phase II pipeline connection.
- Land to be **acquired in Fee Simple**:
 - To avoid paying for an Access Easement now and Pipeline Easement rights later.
 - To reduce risk of encroachments from residential development.
- The project requires the acquisition of approximately 1.5 acres of property.



LEGEND

-  Strip to be acquired
-  Wylie to Rockwall Relocation
-  NTMWD Water Pipelines



Wylie to Rockwall Pipeline Relocation
Project No. 101-0526-18
Consent Agenda Item No. 22-03-08







RECOMMENDATION

Consultant: N/A

Scope: Property acquisition and the necessary support services to facilitate the purchasing of property for the project

Project: Project No. 101-0526-18, Wylie to Rockwall Pipeline Relocation

Amount: N/A – Funding previously approved by the Board on Resolution 20-40



AGENDA

Mark Simon
NTMWD – Assistant Deputy

ACTION ITEMS

E. Authorize relocation of the Plano Spring Creek Force Main and execution of an easement exchange agreement with Dallas Area Rapid Transit (DART) - Administrative Memorandum No. 5819

Consider recommendation on authorizing the Executive Director to execute an easement exchange agreement with DART that will include the relocation of the Plano Spring Creek Force Main

What: NTMWD staff is requesting the Board authorize the relocation of the Plano Spring Creek Force Main and associated Easement Exchange Agreement between North Texas Municipal Water District (NTMWD) and Dallas Area Rapid Transit (DART).

Why: DART must relocate a portion of NTMWD's 36-inch Plano Spring Creek Force Main to facilitate construction of their new commuter rail line, known as the Silver Line Regional Rail Project, from the City of Plano to DFW International Airport. This work is essential for NTMWD to achieve Strategic Objective 3.3: Durable Strategic Partnerships.



DART-NTMWD EASEMENT EXCHANGE AGREEMENT

BACKGROUND

- DART is constructing a new commuter rail line (Silver Line Regional Rail Project) from the City of Plano to DFW International Airport.
- The Silver Line will be adjacent to the west side of the existing DART Red Line Light Rail Train right-of-way just north of SH190 in Plano.
- Alignment of the Silver Line impacts a portion of the NTMWD's existing 36-inch Plano Spring Creek Force Main.
- DART is proposing to relocate the existing force main at no cost to the NTMWD.

Legend

TRACT 1

DART Proposed 20 Foot Sewer Easement To NTMWD

TRACT 2

Existing 20 Foot NTMWD Easement To Be Released By NTMWD To Remove Conflict

Proposed Location of Replacement Sewer Line

Existing NTMWD Sewer Line To Be Relocated

Existing DART Crossing License To Be Extinguished

Existing NTMWD 36" Force Main Sewer Easement

NTMWD TO ACQUIRE ADDITIONAL EASEMENT FOR MAINTENANCE (FUTURE)

TRACT 2
8,562 SF
(0.197 Acres)

TRACT 1
6,803 SF
(0.156 Acres)

DART Replacement Crossing License

PGBT

Google



PLANO SPRING CREEK FORCE MAIN
DART-NTMWD EASEMENT EXCHANGE AGREEMENT TO
RELOCATE A PORTION OF PLANO SPRING CREEK
FORCE MAIN FOR THE SILVER LINE RAIL PROJECT





DART-NTMWD EASEMENT EXCHANGE AGREEMENT

AGREEMENT RESPONSIBILITIES

- **DART**

- Design, construct and inspect relocation of approximately 700 linear feet of 36-inch force main.
 - Tunneling construction and fully encased pipeline.
- Convey new 20-foot permanent easement to NTMWD.
- Abandon the existing force main as part of their construction contract.
- Provide license agreement for new crossing within DART property.
 - No application or annual fee required.

- **NTMWD**

- Provide reviews and perform site observations.
- Convey existing 20-foot force main easement to DART.



RECOMMENDATION

The Executive Director, NTMWD staff, and Saunders, Walsh & Beard recommend the Board of Directors authorize the Executive Director to execute the Easement Exchange Agreement as follows:

Contracting

Party:	Dallas Area Rapid Transit
Scope:	Relocation of the Plano Spring Creek Force Main and Execution of Easement Exchange Agreement
Project:	Plano Spring Creek Force Main Relocation
Amount:	\$0



AGENDA

Lewis Isaacs
Saunders, Walsh & Beard

DISCUSSION ITEMS

Discussed in Executive Session

- A. **Update on Alan Thomas Decker v. NTMWD, Phillips and Jordan, Inc., Archer Western Construction, LLC and Hammett Excavation, Inc. filed in the 366th Judicial Court, Fannin County, Texas, Cause No. CV-20-44972**



AGENDA

Galen Roberts
NTMWD – Assistant Deputy

DISCUSSION ITEMS

B. Bois d'Arc Lake Shoreline Development Update



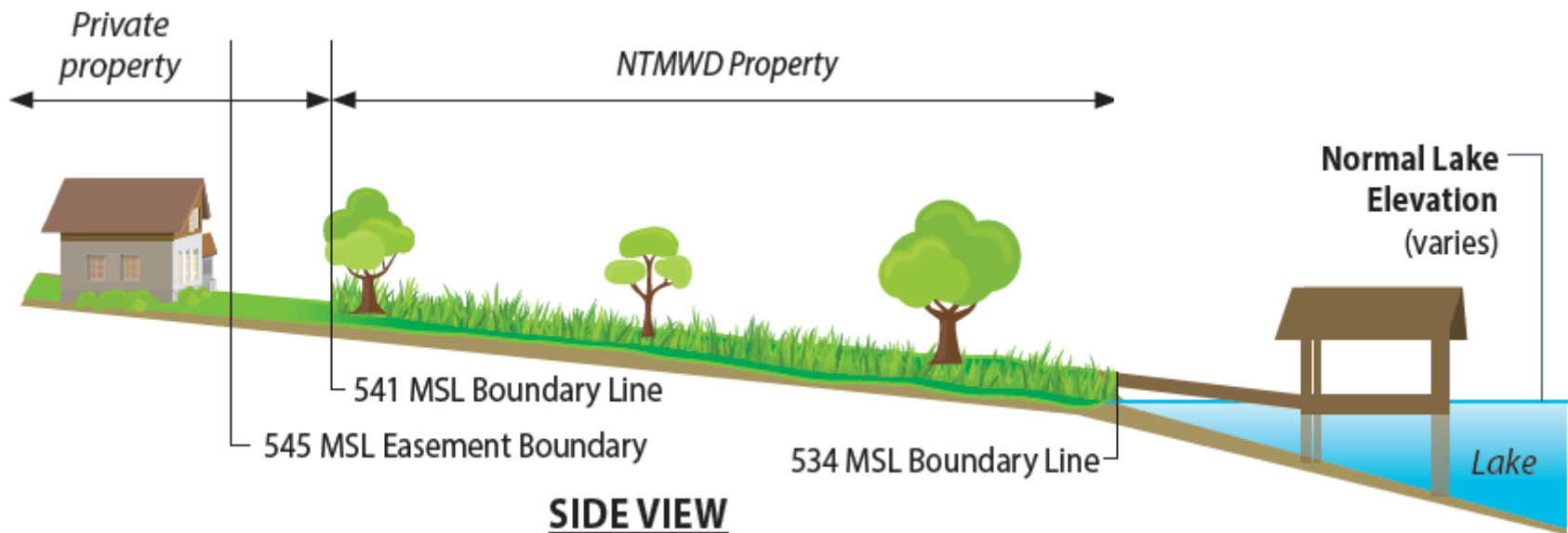
BACKGROUND

- **Discussing this item with the Real Estate Committee because development around Bois d'Arc Lake (BDL) involves the use of NTMWD property**
- **BDL Shoreline Management Plan (SMP) provides framework for individual private lots and provides that residential or commercial developments may be authorized by separate agreement**
- **NTMWD staff have received informal requests for planned residential development agreements that allow for some shoreline activities to occur early (e.g. timber clearing)**
 - Anticipate formal request from Lakewood Capital Group for shoreline improvements related to their planned residential development on BDL



PRIVATE RESIDENTIAL SHORELINE USE

Shoreline Example

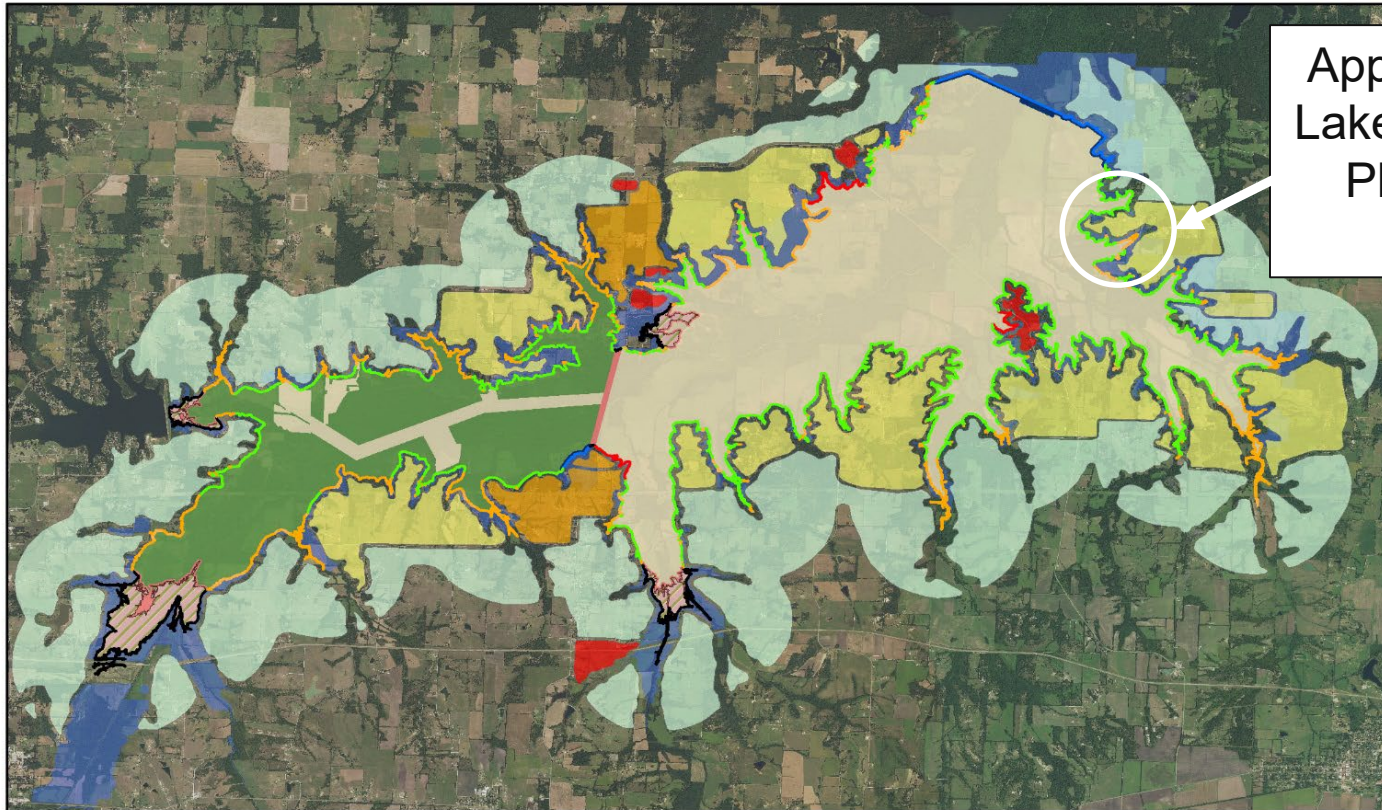


- 541 MSL contour corresponds to 100-year flood
- 545 MSL contour corresponds to 500-year flood


MSL = Mean Sea Level



BDL SHORELINE DEVELOPMENT UPDATE



Approximate location of Lakewood Capital Group Planned Residential Development

<p>Shoreline Classifications</p> <ul style="list-style-type: none"> — Restricted — Environmentally Sensitive — Limited Development — Dock Capable Shoreline — Public Lake Access / Commercial Development 		<p>Surface Water Classifications</p> <p>May 2020</p> <ul style="list-style-type: none"> ■ Open Recreation ■ Fish and Wildlife Habitat ■ Restricted ■ No Wake 		
<p>Future Land Use*</p> <ul style="list-style-type: none"> ■ Agriculture / Open Space ■ Office/Retail/Commercial ■ Littoral Wetland ■ Residential (small lots) ■ Residential (large lots) ■ NTMWD Property 		<p><i>The Operations Plan and the Buoy Marking Plan take precedence over the water surface zones shown in the SMP</i></p>		

* Future Land Use developed by Fannin County for their Comprehensive Plan Adopted: October 18, 2016 Amended: October 30, 2018

This figure is provided for information purposes only, users should consult with NTMWD for the most current version

0 1 2 4 6 Miles



BDL SHORELINE DEVELOPMENT UPDATE

- **Anticipate formal request from Lakewood Capital Group seeking approval to construct shoreline amenities for a planned residential development on Bois d’Arc Lake**
 - Currently working to obtain preliminary plat approval from Fannin County
- **Lakewood Capital Group’s formal request may seek approval for:**
 - Shared and community docks
 - Shoreline erosion control structures
 - Land-based amenities
 - Access roads and parking
 - Vegetation modification
 - Dredging below the 534’ MSL for boat access

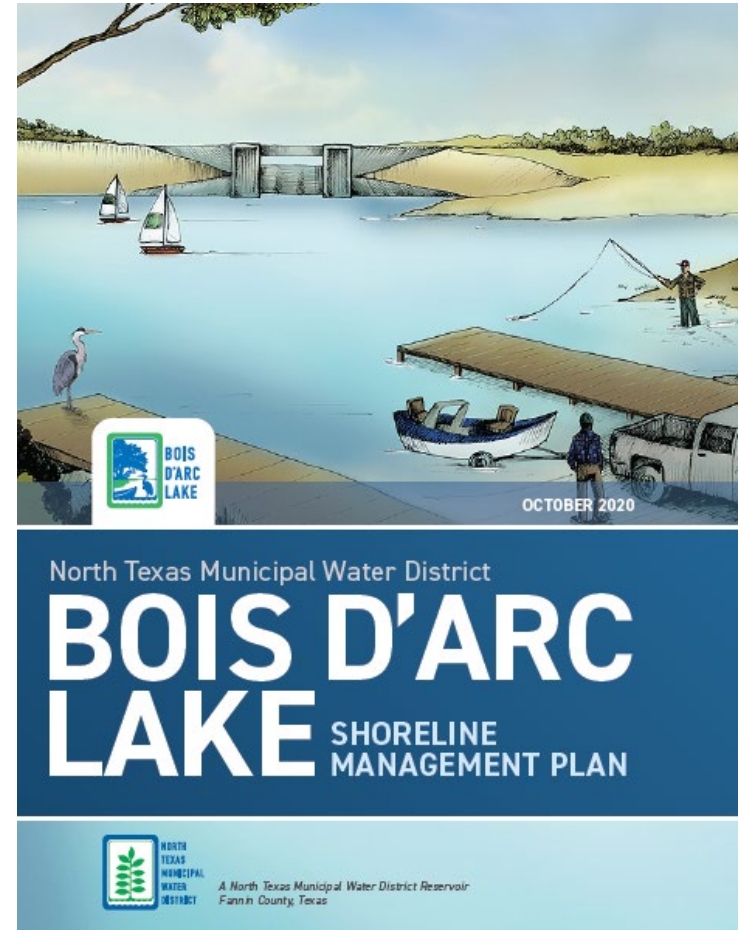
Bois d’Arc Lake
Conservation Pool
Elevation = 534’ MSL

Lakewood Capital Group may also seek acknowledgement that the physical characteristics of the shoreline adjacent to individual lots are ‘dock capable’



BDL SHORELINE DEVELOPMENT UPDATE

- **Key considerations for review of planned residential development requests:**
 - The BDL Shoreline Management Plan
 - Formal guidance from U.S. Army Corps on activities below 534' MSL
 - Concurrence with Fannin County planning and zoning
 - BDL water quality and operations
 - Input from NTMWD Real Estate Committee





BDL SHORELINE DEVELOPMENT UPDATE

Next Steps

- **No action being requested of the Real Estate Committee at this time**
- **Anticipate coming back to the Real Estate Committee in May 2022 to consider Lakewood's formal request**
- **Will also provide update to Real Estate Committee on:**
 - Preparations for accepting applications from private landowners for BDL Shoreline Lease and Use Agreements
 - Development of process for considering commercial shoreline development proposals



AGENDA

DISCUSSION ITEMS

- C. Opportunity for Committee members to provide feedback on the Real Estate Committee meeting or request potential future agenda items

ADJOURNMENT