



NORTH TEXAS MUNICIPAL WATER DISTRICT

**501 E. Brown Street • Wylie, Texas 75098
(972) 442-5405 – Phone • (972) 295-6440 – Fax**

REAL ESTATE COMMITTEE MEETING MINUTES MARCH 23, 2022

The Presiding Officer will be present at the meeting location, the NTMWD Administrative Offices, 501 E. Brown Street, Wylie, Texas 75098, with two-way video and audio communication between Board members participating by videoconference, establishing a quorum. The public may attend the meeting in person at the meeting location. Audio and video of Board members participating by videoconference will be visible to members of the public in attendance at the meeting location. The meeting will be recorded, and the audio recording will be available on the NTMWD website after the meeting.

Members of the public wishing to listen to live audio from the meeting may do so by calling in at (469) 210-7159 or toll free (844) 621-3956 and entering the following access code: 928 587 040. Please note this line will not provide for two-way communication and public comment at the meeting must be made in person at the meeting location.

I. CALL TO ORDER

Chairman David Hollifield served as Presiding Officer and called the meeting of the North Texas Municipal Water District (NTMWD) Real Estate Committee to order at approximately 1:00 p.m. on Wednesday, March 23, 2022. The meeting was held with two-way video and audio communication between Board members participating by videoconference, establishing a quorum. General instructions were provided to attendees. Any reference to unanimous votes refers to a unanimous vote of the Committee members present.

The following Real Estate Committee members were present; therefore, a quorum was present.

	Real Estate Committee Members	Attendance
1	Robert Appolito	Remote
2	John Carr	Remote
3	Marvin Fuller	Remote
4	Geralyn Kever	Remote
5	Keith Stephens	Remote
6	David Hollifield, Chair	Present

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Members of the Executive Committee were present as well as other Board members. Lewis Isaacks with Saunders, Walsh and Beard and Lauren Kalisek with Lloyd Gosselink Rochelle & Townsend were present via videoconference. Executive Director Jenna Covington along with other members of the NTMWD management team were also in attendance.

II. PUBLIC COMMENTS

Prior to the start of the meeting, speakers must complete and submit a "Public Comment Registration Form." During the public comment portion of the meeting, speakers will be recognized by name and asked to provide their comments. The time limit is three (3) 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.

There were no requests for public comment.

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 advised that the Committee will convene into Executive Session to discuss Item V. A.

Deputy Director Cesar Baptista advised the following:

- 1) Staff has been working with attorneys to finalize a facility use agreement with Fannin County Sheriff's Office and the Texas Parks and Wildlife Department for use of space in the new Bois d'Arc Lake Operations Building.
- 2) A consultant is now under contract to help the District create the real estate inventory catalogue. Phase 1, which is a GIS database, is expected to be completed in September. Mr. Baptista noted this item is included in the Strategic Plan.

At 1:06 p.m. Chairman Hollifield declared the need for an Executive Session of the Committee to discuss Item V. A. on the agenda pursuant to Texas Government Code, Section 551.071 Consultation with Attorney.

V. 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.

Open Session reconvened at 1:34 p.m. No action was taken in Executive Session. No action was taken in open session as a result of Executive Session.

IV. ACTION ITEMS

- A. Consider approval of Real Estate Committee meeting minutes – January 26, 2022

Upon a motion by Director Geralyn Kever and a second by Director John Carr, the Real Estate Committee voted unanimously to approve the minutes for 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**

- 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

Garrett Murphree, Real Estate Manager presented this item. He advised the City of Melissa requested a permanent utility easement for the extension of its Stiff Creek Gravity Sewer Line to the north of State Highway (S.H.) 121 to allow for additional residential development capacity in the area. The NTMWD previously granted one permanent easement and two temporary construction easements on a parcel of land north of S.H. 121. The NTMWD also previously granted one permanent easement and one temporary construction easement within the 121 Regional Disposal Facility permit boundary, parallel to S.H. 121. The City of Melissa is requesting one additional permanent easement on the parcel of land north of S.H.121. The original item was authorized on the December Consent Agenda. A site map was provided.

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

- 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 conveyance of permanent easement for a communication tower by execution of Communication Tower Easement to Zulu Internet, Inc.

Garrett Murphree presented this item. He advised that 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.

Mr. Murphree reviewed that NTMWD purchased an approximate 11.77 acre tract from Ronald and Cynthia Weisz on March 9, 2012, for Bois d'Arc Lake and a flood and flowage easement. 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. 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. A location map was provided.

In response to a Director's question, Attorney Lewis Isaacks advised that there is no financial consideration to the District included in the proposed agreement.

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

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

Garrett Murphree presented this item. He advised that in the course of acquiring permanent and temporary easement for the previously approved right-of-way acquisition program for the Wylie to Rockwall Pipeline Relocation project, it was determined an alternate access point for this section of the project is needed to be purchased in fee.

Mr. Murphree reviewed that the Right-of-Way acquisition program was previously approved on August 27, 2020. Contractors were unable to use an easement from a prior pipeline project as a point of construction access for this project due to residential development in the area. The chosen alternate access point will provide access for this project and will be the location for the Phase II pipeline connection in the future. The project requires the acquisition of approximately 1.5 acres of property. A map reflecting the easement location was reviewed.

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

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

Assistant Deputy Mark Simon presented this item. He advised that DART must relocate a portion of NTMWD's 36-inch Plano Spring Creek Force Main to facilitate

construction of a new commuter rail line, known as the Silver Line Regional Rail Project, from the City of Plano to DFW International Airport.

Mr. Simon reviewed that that 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 S.H. 190 in Plano. DART is proposing to relocate the existing force main at no cost to the NTMWD since the alignment of the Silver Line impacts a portion of the NTMWD's existing force main. Mr. Simon reviewed a map of the impacted area and diagram of the pipeline locations. He noted that the Wastewater Committee has previously discussed this matter.

Mr. Simon advised that the agreement defines DART's responsibilities and the District's responsibilities. Mr. Simon mentioned that additional betterments for the District include a newer asset, fully encased pipeline for added protection and no DART fees. There may be a need for further discussion regarding a possible future easement if found to be needed by the District.

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

V. 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

This item was discussed earlier in the meeting during Executive Session.

- B. Update on Bois d'Arc Lake Shoreline Development

Assistant Deputy Galen Roberts presented this item. He reviewed that in the fall of 2021 the Committee began discussion of a Marina development process for Bois d'Arc Lake. Currently, the District has received informal requests for planned residential developments to allow for some shoreline activities to occur early. He advised staff is anticipating that Lakewood Capital Group will submit a formal request for shoreline improvements related to their planned residential development on Bois d'Arc Lake. He noted that the Shoreline Management Plan provides the framework for these types of activities on the District's property.

Mr. Roberts reviewed that the conservation level of the Lake is 534'. The land between 534' and 541' belongs to the District. Between 541' and 545' the land is designated as easement area and falls within the purview of the Fannin County P&Z. Land above 545' is private property. He advised this discussion today is regarding the area below 541'.

A Bois d'Arc Lake map was provided with the Lakewood Capital development denoted. Mr. Roberts advised that the development would have approximately 100 lots between one and two acres in size. Lakewood Capital is currently working with Fannin County to obtain preliminary plat approval. It is anticipated that a

formal request from them to the District might include shared or community docks, land-based amenities, erosion control structures, access roads and parking, vegetation modifications, and dredging below 534' for boat access. He noted that Lakewood Capital is aware of the Shoreline Management Plan and is taking it into consideration for planning purposes.

Mr. Roberts advised that during this process the District will consider the Shoreline Management Plan; obtain formal guidance from the U.S. Army Corps of Engineers on activities below 534'; obtain concurrence with Fannin County Planning and Zoning; consider water quality and operations; and request input from the Real Estate Committee on this process.

Mr. Roberts advised that he expects to bring Lakewood Capital's formal request to the Committee in May 2022. At that meeting he also anticipates discussions regarding the process for soliciting proposals for marina development as well as discussion regarding land use agreement applications for private landowners.

Director John Carr advised that he is experienced with dock engineering/building at Lake Texoma and offered to take staff there to view some of them. He expressed that minimum standards for docks need to be included in the Shoreline Management Plan and include prohibition of living quarters on the dock structures. Concerns regarding effects of residential developments including trash, wastewater, and silting were voiced. In response to Director Carr's concerns, Mr. Roberts advised that the Plan already includes prohibition of residential quarters and multi-level docks. He added that the District's authority does not extend into the private property areas, however a watershed protection plan is in place to help control such issues.

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

No remarks from Committee members were received.

VI. ADJOURNMENT

There being no further business, the Real Estate Committee meeting adjourned at 1:56 p.m.

APPROVED:


DAVID HOLLIFIELD
Chairman