

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

A PERINA DALA

A DATE STATISTICS

# **REAL ESTATE COMMITTEE MEETING**

MAY 25, 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

TEXAS MUNICIPAL WATER DISTRICT

#### **ACTION ITEMS**

- A. Consider approval of Real Estate Committee meeting minutes March 23, 2022
- B. Adoption of Resolution No. 22-22 authorizing conveyance of property to Rayburn Electric Cooperative at the Sister Grove Regional Water Resource Recovery Facility (RWRRF) - Consent Agenda Item No. 22-05-07
- C. Adoption of Resolution No. 22-23 authorizing the execution of a right-of-way acquisition program to acquire property for the Sister Grove Regional Water Resource Recovery Facility project Consent Agenda Item No. 22-05-08
- D. Authorize amendment to a land acquisition program and Adoption of Resolution No. 22-28 authorizing the use of eminent domain to acquire property for the Bonham Water Treatment Plant Intake Improvements project - Administrative Memorandum No. 5838
- E. Authorize execution of a facility use agreement between NTMWD and the Texas Parks and Wildlife Department (TPWD) for use of the Bois d'Arc Lake (BDL) Operations Center - Consent Agenda Item No. 22-05-05



#### **DISCUSSION ITEMS**

- A. Update on Bois d'Arc Lake Shoreline Development
- B. Update on continued payment of property tax payments to Fannin County
- C. Opportunity for Committee members to provide feedback on the Real Estate Committee meeting or request potential future agenda items

#### **ADJOURNMENT**



#### IV. ACTION ITEMS

A. Consider approval of Real Estate Committee Minutes – March 23, 2022

Recommend Approval of Real Estate Committee Minutes – March 23, 2022



#### IV. ACTION ITEMS

B. Adoption of Resolution No. 22-22 authorizing conveyance of property to Rayburn Electric Cooperative at the Sister Grove Regional Water Resource Recovery Facility (RWRRF) - Consent Agenda Item No. 22-05-07

Consider recommendation on adoption of Resolution No. 22-22 authorizing the Executive Director to execute a permanent easement with Rayburn Electric Cooperative in the form of approximately 8.893 acres for Project 301-0426-16, Sister Grove Regional Water Resource Recovery Facility (RWRRF)

*What:* Adopt a resolution to authorize the Executive Director to execute a permanent easement with Rayburn Electric Cooperative (Rayburn).



# SISTER GROVE RWRRF

## BACKGROUND

- In March 2018 NTMMWD declared 6 acres of the Sister Grove RWRRF site surplus to the needs of the District – Resolution 18-32.
- Rayburn acquired the 6 acres in order to construct a substation to power the RWRRF.
- Rayburn must install transmission lines across a portion of the RWRRF site to power the substation.
- Approximately 8.893 acres of permanent easement are needed for Rayburn to install transmission lines.
- Counsel has reviewed and approved the easement document.
- There will be a future action for an easement agreement with Grayson Collin Electric Cooperative (GCEC) for the easement to route power the substation at Sister Grove Regional Water Resource Recovery Facility.
- The Board authorized the interconnect agreement with GCEC on March 24, 2022 (AM 5818).







#### S IICIPAL RICT

#### EASEMENT AGREEMENT WITH GCEC – SISTER GROVE PHASE 1



 An easement agreement for Grayson Collin Electric Cooperative will be presented for approval at a future Board meeting



# SISTER GROVE RWRRF

Acquiring Party:	Rayburn Electric Cooperative
Scope:	Execution of permanent easement
Project:	301-0426-16, Sister Grove Regional Water Resource Recovery Facility
Amount:	N/A



#### IV. ACTION ITEMS

C. Adoption of Resolution No. 22-23 authorizing the execution of a right-ofway acquisition program to acquire property for the Sister Grove Regional Water Resource Recovery Facility (RWRRF) project - Consent Agenda Item No. 22-05-08

Consider recommendation on authorizing the Executive Director to execute a property acquisition program and adoption of Resolution No. 22-23 authorizing the use of eminent domain to acquire property for a fiber optic communication line for Project No. 301-0426-16, Sister Grove RWRRF

*What:* Adopt a resolution to authorize the Executive Director to execute a right-of-way acquisition program for the acquisition of a permanent easement.



# SISTER GROVE RWRRF

## BACKGROUND

- A fiber optic communication line (FOCL) is needed for the plant's business network system.
- A FOCL is being installed on a separate NTMWD project abutting the Sister Grove RWRRF property.
- An easement is needed to connect the FOCL from Sister Grove RWRRF plant to the FOCL located within the permanent easement encumbering the abutting property.
- Approximately 0.28 acres of permanent easement are needed.







Transfer



# SISTER GROVE RWRRF

- Party: N/A
- Scope: Right-of-way acquisition and the necessary support services to facilitate the purchasing of easements for the project
- Project: Project No. 301-0426-16, Sister Grove Regional Water Resource Recovery Facility
- Amount: Funding exists in other Right-of-way budgets allocated for the overall project



#### IV. ACTION ITEMS

D. Authorize amendment to land acquisition program and Adoption of Resolution No. 22-28 authorizing the use of eminent domain to acquire property for the Bonham Water Treatment Plant Intake Improvements project - Administrative Memorandum No. 5838

Consider recommendation on authorizing the Executive Director to amend a previously executed property acquisition program for additional funding in the amount of \$350,000 and adoption of Resolution No. 22-28 authorizing the use of eminent domain to acquire property and right-of-way for Project No. 101-0582-21, Bonham Water Treatment Plant Intake Improvements

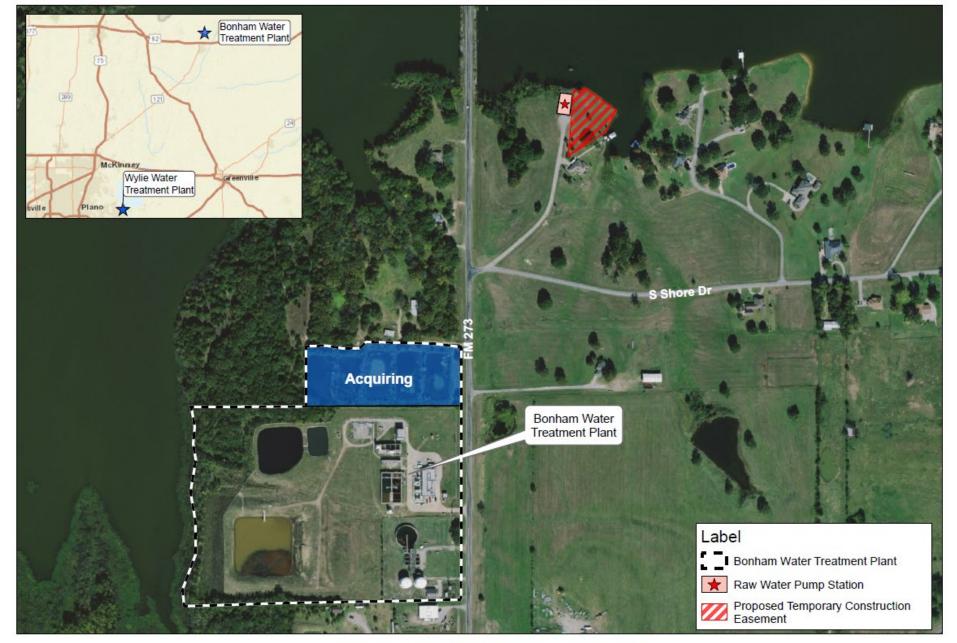
*What:* Authorize additional funding and resolution to amend a previously approved property acquisition program and to add a temporary construction easement.



# **BONHAM WATER TREATMENT PLANT**

## BACKGROUND

- Consent Agenda Item 22-01-03 and Resolution 22-01, January 2022, approved a property acquisition program for this project with a budget of \$86,000 for the acquisition of approximately 5 acres of land.
- The budget did not account for rapidly increasing market values of lake access properties in Fannin County or the value of the improvements within the parcel.
- The independently appraised value of the parcel cannot be met with the existing budget.
- Included in this request is the acquisition of approximately 1.125 acres of temporary easement near the raw water intake structure to facilitate construction activities associated with dredging of the intake tower area.
- Additional funding in the amount of \$350,000 is being requested, resulting in a total budget of \$436,000.





Bonham WTP Intake Improvements Project No. 101-0582-21 Administrative Memorandum No. 5838



# **BONHAM WATER TREATMENT PLANT**

- Party: N/A
- Scope: Property acquisition and the necessary support services to facilitate the purchasing of property for the project
- Project: Project No. 101-0582-21, Bonham Water Treatment Plant Intake Improvements
- Amount: \$350,000 additional funding



#### IV. ACTION ITEMS

E. Authorize execution of a facility use agreement between NTMWD and the Texas Parks and Wildlife Department (TPWD) for use of the Bois d'Arc Lake (BDL) Operations Center - Consent Agenda Item No. 22-05-05

Consider recommendation on authorizing the execution of a facility use agreement granting the TPWD access to the Bois d'Arc Lake Operations Center for the purpose of TPWD carrying out law enforcement and public safety activities on and around BDL for an initial 5-year term with the option to renew for an additional 5-year term

*What:* Execute a Facility Use Agreement between NTMWD and the Texas Parks and Wildlife Department for use of the Bois d'Arc Lake Operations Center.



# **BDL OPERATIONS CENTER FACILITY USE AGREEMENT**

## BACKGROUND

- NTMWD and Texas Parks and Wildlife Department (TPWD) desire to coordinate and facilitate emergency operations on the lake and to maintain a safe environment for the public, NTMWD staff, TPWD staff and others.
- TPWD enforces state laws to protect Texas' wildlife, other natural resources and the environment and to provide safe boating and recreational water safety on public waters.
- TPWD and NTMWD entered into a Public Hunting Lands Agreement for Bois d'Arc Lake on September 27, 2021.
- The Bois d'Arc Lake (BDL) Operations Center and associated facilities were designed to accommodate use by TPWD staff.



# **BDL OPERATIONS CENTER FACILITY USE AGREEMENT**

#### Key Components of the Agreement:

- TPWD access to and use of the Center for office space, law enforcement purposes, and storage.
- TPWD staff to stay overnight at the center for official purposes such as wildlife management, law enforcement and emergency response.
- Allows TPWD to use on-site fuel facilities and reimburse NTMWD for all costs of fuel utilized by TPWD.
- Stipulates that TPWD is responsible for providing its own office supplies and that TPWD may use NTMWD office supplies for incidental purposes.
- Includes specific provisions limiting NTMWD's liability for personal injury and property damage.
- Initial term of the agreement is five (5) years from the date of execution and may be renewed for a single additional five (5) year term.

A similar facility use agreement is being discussed with Fannin County



# **BDL OPERATIONS CENTER FACILITY USE AGREEMENT**

Party:	Texas Parks and Wildlife Department
Scope:	Facility Use Agreement for the Bois d'Arc Lake Operations Center
Agreement	
Term:	Initial 5-year term with option to renew for an additional 5- year term
Amount:	No funding required at this time

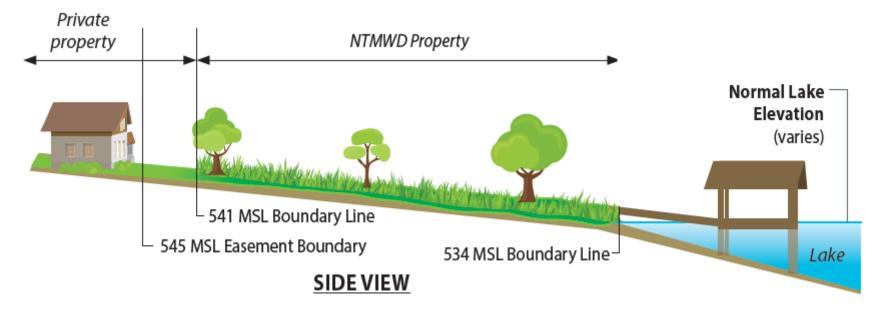


A. Update on Bois d'Arc Lake Shoreline Development



# **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



- Lakewood Capital Group seeking approval to construct shoreline amenities for a planned residential development on Bois d'Arc Lake (BDL)
  - Obtained preliminary plat and construction plan approval from Fannin County

#### Lakewood Capital Group seeking approval for:

- Community docks
- Shoreline erosion control structures
- Land-based amenities (tennis courts, gazebos, etc.)
- Access roads and parking

- Vegetation modification
- Dredging & timber removal below the 534' MSL for boat access

Lakewood Capital Group also seeking acknowledgement that the physical characteristics of the shoreline adjacent to individual lots are 'dock capable'

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



- Key considerations for review of planned residential development requests:
  - The BDL Shoreline Management Plan (SMP)
  - 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







A North Texas Municipal Water District Reservoir Fannin County, Texas

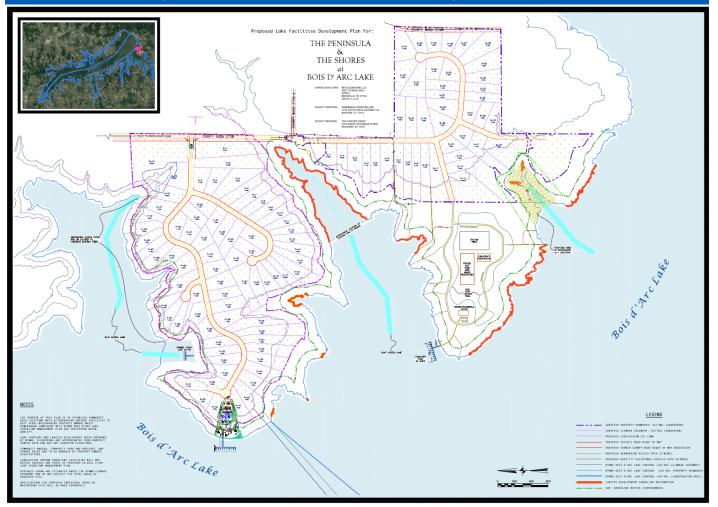


Surface Water Classifications May 2020 **Shoreline Classifications** Restricted Surface Water Classifications Future Land Use\* Environmentally Sensitive **Open Recreation** Agriculture / Open Space Residential (small lots) Limited Development Fish and Wildlife Habitat Office/Retail/Commercial Residential (large lots) Dock Capable Shoreline Restricted No Wake Littoral Wetland NTMWD Property Public Lake Access / The Operations Plan and the Buoy Marking Plan take Commercial Development \* Future Land Use developed by Fannin County for their Comprehensive Plan precedence over the water surface zones shown in the SMP Adopted: October 18, 2016 2 6 This figure is provided for information purposes only, Amended: October 30, 2018 users should consult with NTMWD for the most current version Miles

Approximate location of Lakewood Capital Group Planned Residential Development

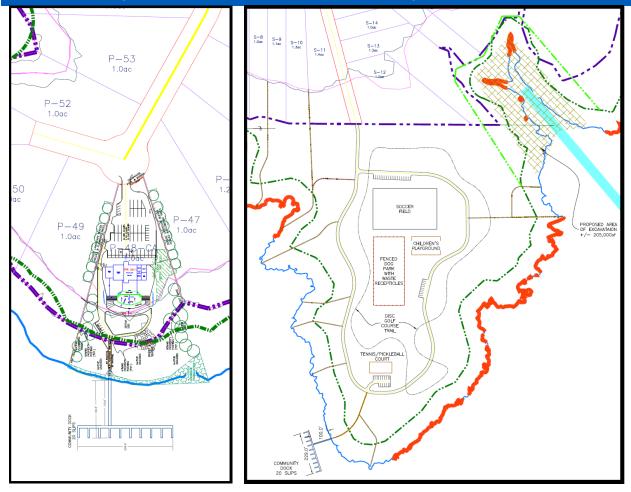


#### Preliminary draft site plan proposed by Lakewood Capital





Preliminary draft site plan proposed by Lakewood Capital





Development of community facilities

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- Two (2) community docks that will be accessible to all lot owners and one
   (1) shared dock accessible to a subset of individual lots
  - Preliminary design indicates single-story, 8-20 slips each
  - Generally conform to the specifications for individual docks in the SMP
  - Adjacent shoreline erosion control
- Land-based community amenities, such as:
  - Sports fields and courts (soccer, tennis, pickle ball, etc.)
  - Common use areas (picnic table, gazebo, dog park, etc.)
- Vegetation modification adjacent to community facilities (tree removal, access paths, landscaping)
- Road access and small parking & unloading area



- Lakewood development of individual private lots:
  - Proposing to perform vegetation modification and construct paths for individual lot access to shoreline
  - Not seeking to construct docks for individual lots:
    - Future lot owners must still come to NTMWD to obtain a lease and use agreement
    - Lakewood has requested NTMWD verify the physical characteristics of their plan conform to shoreline classifications in the BDL SMP
  - Dredging and timber clearing below 534' MSL for boat access









- Activities below the 534' MSL prior to lake filling :
  - Discussions with USACE indicate some shoreline development activities below the 534' MSL prior to BDL reaching conservation pool could impact NTMWD's permit for construction
    - Activities that require excavation could unearth additional cultural resources and may result in additional requirements
  - Activities that do not require excavation or significant soil disturbance may be able to occur prior to BDL reaching conservation pool without impacting NTMWD's permit, such as:
    - Placement of piers for docks
    - Timber clearing (surface only)
    - Placement of rip-rap or floating breakwaters

NTMWD is currently seeking written confirmation and legal opinion from USACE on these matters



- Key considerations for development agreement:
  - Considering agreement which contemplates Lakewood constructing facilities which would eventually be owned and operated by the Property Owner's Association (POA)
    - Modified Shoreline Lease and Use Agreement template in the SMP
  - NTMWD will only enter into a lease and use agreement with a single entity for community facilities (POA)
  - Includes deadline by which construction activities must be completed
  - Restricts activities below the 534' MSL until lake reaches conservation pool <u>and</u> NTMWD gives notice to proceed
  - All applicable provisions in the Shoreline Lease and Use Agreement would apply during construction phase
  - Modified Shoreline Lease and Use Agreement with POA postconstruction



## Look ahead:

- Lakewood providing additional detail on their proposed activities
- Working with NTMWD legal counsel on draft development agreement
- Seek Board authorization to execute a development agreement with Lakewood Capital
- Seek Board authorization to begin accepting applications from individual lot owners for shoreline lease and use agreements under the SMP

Seeking written guidance from USACE prior to proceeding with any activities below the 534' MSL which may impact NTMWD's permit to construct Bois d'Arc Lake



- Preparations for accepting applications from individual lot owners for lease and use agreements under the SMP:
  - Currently integrating and testing online permitting software system



#### **Search Permit Applications**

Required		
Select Jurisdiction: You can s	select default values for cou	ntry, state, and jurisdiction in your account. If selected, these filters will be automatically set when you log in.
Country:	State:	
United States	Texas	
Jurisdiction:		
- Select Jurisdiction -	•	
Project Type:		·
- Select Project Type -	•	

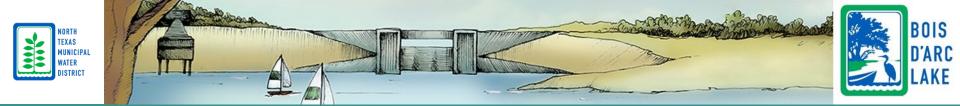


- Preparations for accepting applications from individual lot owners for lease and use agreements under the SMP:
  - Preparing for staff training and mock permitting process
    - Back end administrative functions (workflow, accounting, records)
    - Field inspections and data collection (site evaluation, inspections, etc.)
  - Conducting monthly coordination meeting with Fannin County Development Services staff and others
    - Exploring opportunities for coordinated permitting
- Marina Development Consultant:
  - Currently finalizing scope and agreement
  - Will be updating and seeking feedback from Real Estate Committee on timeline and process for solicitation as work progresses



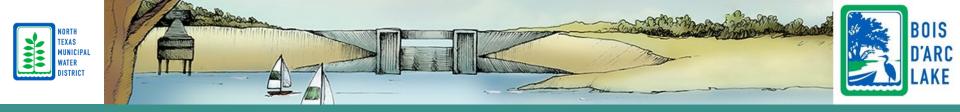
#### **DISCUSSION ITEMS**

B. Update on continued payment of property tax payments to Fannin County



#### FANNIN COUNTY WATER SUPPLY AND DEVELOPMENT AGREEMENT

- Executed in 2017 to establish respective responsibilities of NTMWD and Fannin County concerning development of Bois d'Arc Lake (BDL)
- Recognizes need for NTMWD to acquire land for construction of BDL and temporary impacts to property tax revenues resulting from those acquisitions
- Provides that NTMWD will make every effort to keep taxing entities whole until property values in Fannin County have increased to the extent necessary to offset those impacts
  - Prior to construction taxes for NTMWD-owned properties were still being assessed by the Fannin Central Appraisal District (CAD)
  - Once construction began in 2018 those properties became exempt from property taxes (public use properties are exempt from taxation)
  - Properties acquired after construction started became tax exempt upon closing. Prorated taxes for the year were still paid to the CAD.



#### NTMWD TAX PAYMENTS

- NTMWD paid property due taxes for years up to and including 2018 directly to Fannin CAD
- After construction began in 2018, payments to offset lost tax revenue for 2019 were paid directly to the taxing entities
- Payments for tax year 2019 were based on estimates provided by Fannin CAD
- Fannin CAD system does not easily allow for tracking account history and carrying over exemptions when property splits occur and new property IDs are assigned
- NTMWD notified of corrections for previous tax years as they were identified by FCAD

 Tax Year 2017

 Fannin CAD
 \$ 246,375.48

Tax Year 2018

Fannin CAD \$ 265,292.54

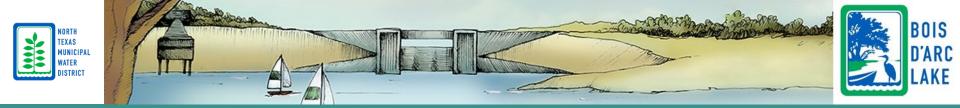
#### Tax Year 2019

Fannin CAD*	\$ 10,485.73
Fannin County	\$ 83,072.03
City of Bonham	\$ 313.14
Fannin ISDs	\$ 183,396.21

#### Tax Year 2020

Fannin CAD*	\$ 22,609.36
Fannin County	TBD
Fannin ISDs	TBD

\* Payments to FCAD after 2018 due to prorated or past-due amounts for newly acquired properties or corrections for previous tax year payments



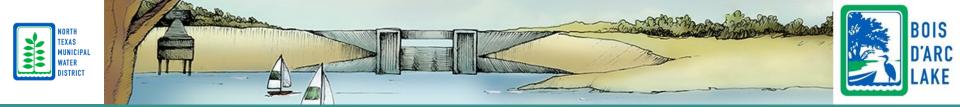
## FANNIN CENTRAL APPRAISAL DISTRICT ESTIMATES

Initial payments to Fannin County taxing entities were paid for tax year 2019 based off of the original estimate provided by Fannin CAD

- Payments remitted by NTMWD prior to detailed analysis so as not to cause undue harm
  - NTMWD staff has discussed this with Fannin County, including at a recent presentation at the Fannin County Commissioner's Court (Sept. 2021)
  - Fannin County provided written acknowledgement payment for future tax years would be calculated based upon increase in property values in the County
- Due to the complexities of school finance, legal counsel and technical consultant were subsequently engaged to review estimate for Fannin ISDs

Fannin CAD provided a 2020 tax year Payment in Lieu of Tax (PILOT) estimate of \$133,344 for NTMWD-owned properties for Bois d'Arc Lake

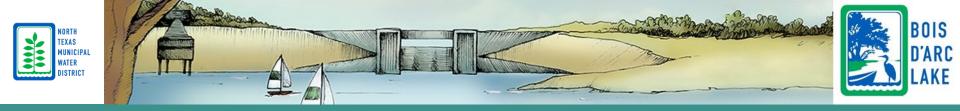
- Estimate was provided to NTMWD in the latter part of 2021
- Significant increase in PILOT estimate prompted a more detailed review by NTMWD of Fannin County appraisal district data used to calculate that estimate
- Legal counsel and technical consultants engaged to evaluate changes in Fannin County real property values to help determine amounts owed under the agreement



## TAX PAYMENTS TO FANNIN COUNTY SCHOOL DISTRICTS

- NTMWD worked with legal counsel to have a school tax professional evaluate actual losses by the school districts
- Analysis indicated the state provided additional funds to Fannin County school districts to offset their reduction in tax revenue so the amount actually owed by NTMWD was less than the original Fannin CAD estimate
- NTMWD continues to evaluate its obligation under the agreement and apply any amounts owed to the credit it received after completing the 2019 evaluation
  - Preliminary findings of 2020 analysis indicate that NTMWD will maintain an excess funds remitted balance with Fannin County ISDs

	2019	9 Amount Paid	2	019 Amount Owed	2020 Amount Owed	Excess Funds Remitted
Bonham ISD	\$	5,049.74	\$1	,349.00	TBD	\$ 3,700.74
Dodd City ISD	\$	18,774.60	\$	833.00	TBD	\$17,941.60
Honey Grove ISD	\$	96,162.50	\$3	3,382.00	TBD	\$92,780.50
Leonard ISD	\$	10,902.09	\$	9.00	TBD	\$10,893.09
Sam Rayburn ISD	\$	51,166.49	\$	656.00	TBD	\$50,510.49
Trenton ISD	\$	1,340.79	\$	212.00	TBD	\$ 1,128.79



## **PRELIMINARY FINDINGS**

#### **Fannin County Analysis**

- Assessed values for NTMWD-owned property shown below are conservative as they do not account for property tax exemptions in-place prior to those properties becoming exempt from real property taxes
- Fannin CAD provided a payment in-lieu of tax estimate of \$133,344 for tax year 2020
- Preliminary results indicate real property values in the County have risen enough to offset the lost tax revenue from NTMWD-owned property for Bois d'Arc Lake (BDL) becoming exempt from taxes

Year	Fannin County Tax Rate/\$100	Annual Increase in Fannin County's eported Real Property Tax Revenue <sup>1</sup>	NTMWD Tax Payments to Fannin County <sup>2, 3</sup>		ayments to Fannin Cour		Assessed Value of NTMWD-Owned Property for BDL <sup>5</sup>	
2018	0.5890	\$ 20,698	\$	83,072	\$	152,106,208	\$	14,289,915
2019	0.5890	\$ 712,469	\$	93,871	\$	190,571,669	\$	17,237,175
2020	0.5890	\$ 553,683		TBD	\$	199,156,820	\$	22,513,845
2021	0.5890	\$ 858,853		TBD	\$	295,452,468	\$	24,729,235
2022	0.5341	TBD		TBD		TBD		TBD

#### Preliminary Data

- 1 Annual increase in Fannin County's property tax revenue obtained from Fannin County Treasurer's reports
- 2 NTMWD 2018 payment to Fannin County made directly to the Fannin County CAD
- 3 NTMWD 2019 payment to Fannin County provided with
- 4 Fannin County Taxable property value was obtained from Fannin County CAD data and includes reported property tax exemptions
- 5 Assessed value of NTMWD-owned property for Bois d'Arc Lake obtained from Fannin County CAD data and includes mitigation, lake, and Leonard WTP (does not include Bonham WTP)



#### **DISCUSSION ITEMS**

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

#### **ADJOURNMENT**