



NORTH  
TEXAS  
MUNICIPAL  
WATER  
DISTRICT

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



# REAL ESTATE COMMITTEE MEETING

**MARCH 22, 2023**



# AGENDA

## OPENING REMARKS

**Chair/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 25, 2023
- B. Adoption of Resolution No. 23-14 authorizing the amendment of a previously approved right-of-way acquisition program for the Wylie to Rockwall Pipeline Relocation project - Consent Agenda Item No. 23-03-07
- C. Adoption of Resolution No. 23-17 authorizing the amendment to a previously approved right-of-way acquisition program and add additional permanent and temporary easements for the F.M. 2514 Pipeline Relocations project - Administrative Memorandum No. 5901
- D. Adoption of Resolution No. 23-16 authorizing the execution of a property acquisition program for the Lower East Fork Regional Water Resource Recovery Facility project - Administrative Memorandum No. 5900

## DISCUSSION ITEMS

- A. Potential Settlement Agreement with Texas Land and Lakes
- B. City of Melissa request to use property for recreational trails at 121 Regional Disposal Facility
- C. Solicitation Process for Bois d’Arc Lake Marina Development Proposals
- D. Opportunity for Committee members to provide feedback on the Real Estate Committee meeting or request potential future agenda items

## ADJOURNMENT



# AGENDA

## ACTION ITEMS

**A. Consider approval of Real Estate Committee Minutes –  
January 25, 2023**

**Recommend Approval of Real Estate Committee Minutes –  
January 25, 2023**





## AGENDA

### ACTION ITEMS

#### **B. Adoption of Resolution No. 23-14 authorizing the amendment of a previously approved right-of-way acquisition program for the Wylie to Rockwall Pipeline Relocation project - Consent Agenda Item No. 23-03-07**

- Consider recommendation on authorizing the Executive Director to amend a previously approved right-of-way acquisition program, and adoption of Resolution No. 23-14 authorizing the use of eminent domain to acquire property for Project 101-0526-18, Wylie to Rockwall Pipeline Relocation

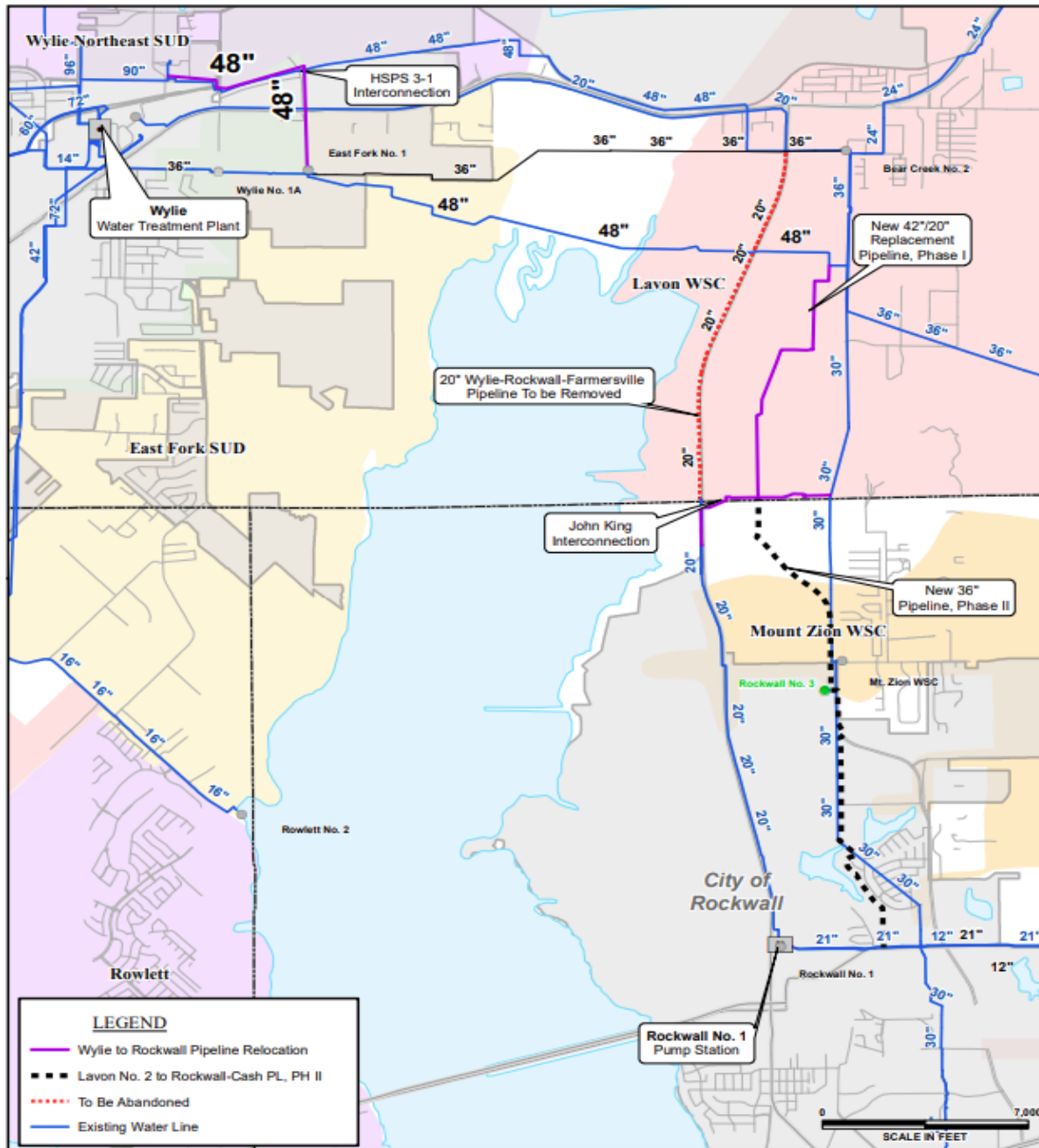
*What:* Authorize resolution to amend the previously approved right-of-way acquisition program to add easements to this project.



# 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, with a budget of \$10,600,000.
- Initial easement acquisition was needed to relocate a portion of the 20-inch Wylie to Rockwall pipeline located along State Highway (SH) 205 in Rockwall to accommodate TxDOT's expansion of SH 205.
- The previous Board items referenced the need for future easements for the Phase II of the Lavon No. 2 to Rockwall-Cash Pipeline.
- The alignment is now set for Phase II and acquisition of easements are required.
- No additional funding requested since Phase II funding was included within the original acquisition program budget.



**Wylie to Rockwall Pipeline Relocation  
Project No. 101-0526-18  
Consent Agenda Item No. 23-03-07**





## RECOMMENDATION

**Consider recommendation on authorizing the Executive Director to amend a previously approved right-of-way acquisition program, and adoption of Resolution No. 23-14 authorizing the use of eminent domain to acquire property for Project 101-0526-18, Wylie to Rockwall Pipeline Relocation**

**Consultant: N/A**

**Scope: Right-of-way acquisition and the necessary support services to facilitate the purchasing of easements for the project**

**Project: 101-0526-18, Wylie to Rockwall Pipeline Relocation**

**Amount: N/A**

**Strategic Objective: 1.2 Successfully Deliver Capital Program**





## AGENDA

### ACTION ITEMS

**C. Adoption of Resolution No. 23-17 authorizing the amendment to a previously approved right-of-way acquisition program and add additional permanent and temporary easements for the F.M. 2514 Pipeline Relocations project – Administrative Memorandum No. 5901**

- Consider recommendation on adoption of Resolution No. 23-17 authorizing the Executive Director to amend a previously approved Right-of-Way acquisition program with a budget of \$130,000 and authorizing the use of eminent domain to acquire property for Project No 101-0585-21, F.M. 2514 Pipeline Relocations

*What:* Authorize resolution to amend the previously approved right-of-way acquisition program to add easements to this project.



# F.M. 2514 PIPELINE RELOCATIONS

## BACKGROUND

- Right-of-Way acquisition program for the F.M. 2514 Relocations was previously approved by Administrative Memorandum 5764 and Resolution 21-50 on September 23, 2021, with a budget of \$120,000.
- TxDOT now plans to widen F.M. 1378 in Lucas, which is being added to Project 101-0585-21
- A portion of the 20-inch Wylie to McKinney pipeline must be relocated outside the proposed TxDOT right-of-way limit in F.M. 1378.
- Additional easement is required to accommodate the relocation.
- Additional budget of \$130,000 is being requested, resulting in \$250,000 total budget.
- Easement acquisition costs are subject to TxDOT reimbursement.



**F.M. 2514 Pipeline Relocations  
Wylie McKinney 20 Inch Relocation  
Project No. 101-0585-21  
Administrative Memorandum No. 5901**







## RECOMMENDATION

**Consider recommendation on adoption of Resolution No. 23-17 authorizing the Executive Director to amend a previously approved right-of-way acquisition program with a budget of \$130,000 and authorizing the use of eminent domain to acquire property for Project No 101-0585-21, F.M. 2514 Pipeline Relocations**

**Consultant: N/A**

**Scope: Right-of-way acquisition and the necessary support services to facilitate the purchasing of easements for the project**

**Project: 101-0585-21, F.M. 2514 Pipeline Relocations**

**Amount: \$130,000**

**Strategic Objective: 1.2 Successfully Deliver Capital Programs**





## AGENDA

### ACTION ITEMS

- D. Adoption of Resolution 23-16 authorizing the execution of a property acquisition program for the Lower East Fork Regional Water Resource Recovery Facility project - Administrative Memorandum No. 5900**

### DISCUSSION ITEMS

- A. Potential Settlement Agreement with Texas Land and Lakes**
- B. City of Melissa request to use property for recreational trails at 121 Regional Disposal Facility**

## **EXECUTIVE SESSION**

## Adjourn Executive Session



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## AGENDA

### ACTION ITEMS

#### Discussed in Executive Session

**D. Adoption of Resolution No. 23-16 authorizing the execution of a property acquisition program for the Lower East Fork Regional Water Resource Recovery Facility project - Administrative Memorandum No. 5900**

- Consider recommendation on adoption of Resolution No. 23-16 authorizing the Executive Director to execute a property acquisition program with a budget of \$5,000,000; and authorizing the use of eminent domain to acquire property for Project No. 301-0598-21, Lower East Fork Regional Water Resource Recovery Facility.

*What: Authorize funding and resolution to allow the use of eminent domain, if necessary, to acquire land and needed for a new regional water resource recovery facility.*



## RECOMMENDATION

**D. Consider recommendation on adoption of Resolution No. 23-16 authorizing the Executive Director to execute a property acquisition program with a budget of \$5,000,000; and authorizing the use of eminent domain to acquire property for Project No. 301-0598-21, Lower East Fork Regional Water Resource Recovery Facility.**

<b>Consultant:</b>	<b>N/A</b>
<b>Scope:</b>	<b>Property acquisition and support services necessary to facilitate purchasing land for the project</b>
<b>Project:</b>	<b>301-0598-21, Lower East Fork Regional Water Resource Recovery Facility</b>
<b>Amount:</b>	<b>\$5,000,000</b>
<b>Strategic Objective:</b>	<b>1.4 Reliable and Resilient Systems</b>





## AGENDA

### DISCUSSION ITEMS

#### C. Solicitation Process for Bois d'Arc Lake Marina Development Proposals



## MARINA SOLICITATION PROCESS UPDATE

### Background

- **NTMWD Ownership of Shoreline**
  - NTMWD owns Bois d'Arc Lake shoreline up to 541 feet MSL, which includes the 100-year flood elevation
  - NTMWD has obtained permanent flowage and flood easement up to the 545 MSL, includes the 500-year flood elevation
- **Fannin County Planning and Zoning Authority**
  - Governs zoning around Bois d'Arc Lake from the 534 MSL conservation pool to a distance of 5,000 feet from the shoreline
- **Fannin County Comprehensive Plan & NTMWD Shoreline Management Plan (SMP)**
  - Developed to provide future vision and guidance on Bois d'Arc Lake



## MARINA SOLICITATION PROCESS UPDATE

### Research and Support

- **Marinas are Unique Operations**
  - Concentrated area of recreational use
  - Typically include large of overwater structures
  - Provide a range of goods and services
  - Variation between regions and waterbodies
  - Recreation not a core function of NTMWD operations
- **Interest from Prospective Marina Developers**
  - There has been interest in marina development since the permit for BDL was obtained, likely even before
- **NTMWD secured consultant support to assist**
  - Conducted RFQ process to identify qualified firms
  - Edgewater Resources selected to support NTMWD



## MARINA SOLICITATION PROCESS UPDATE

### Research and Support

- **Field and Market Research** – Conducted site visits to local marinas to learn more about features and services in this region, understand more about different business models, and observe any maintenance or operational challenges/issues
  - Proper maintenance and operation of marinas is critical to protecting water quality and the achieving desired characteristics for development
  - Operations that are not financially viable more likely to fall into disrepair
  - Combination of rentals, retail, and services common features
  - Associated improvements may include both shoreline and over-water components as well as adjacent upland components (retail, restaurant, mixed use...)





## MARINA SOLICITATION PROCESS UPDATE

### Research and Support

- **Common features of newly developed or newly renovated marinas**
  - Encapsulated foam only
  - Engineered wave attenuation structures (e.g. no tires)
  - No to limited treated lumber
  - Fire and electrical safety features
  - ADA compliance
  - Secondary containment for fuel tanks
  - Combination of rentals, retail and services (e.g. boat repair)
  - Clear and well enforced requirements for public use of marina facilities





## MARINA SOLICITATION PROCESS UPDATE

### Solicitation Process for Marina Development Proposals

- **2-Step Process (Request for Qualifications, Request for Proposals)**
  - Administered and facilitated by NTMWD Procurement Dept. through Bonfire
  - Review panel consisting of NTMWD staff with support from Edgewater Resources
- **Process will lead to selection of a single proposal**
- **Authorization to construct and operate likely to be given through development and concession agreement(s)**



## MARINA SOLICITATION PROCESS UPDATE

### Solicitation Process Continued

- **Single Marina on Bois d'Arc Lake to start**
  - Unrestricted development could lead to market over-saturation
  - Operations that are not financially viable at risk of falling into disrepair
  - Facilities that aren't well operated or maintained can create safety hazards and negatively impact water quality in the lake
  - High quality development a stated desire of Fannin County (Comprehensive Plan)
  - Additional marinas may be considered through future solicitation process



## MARINA SOLICITATION PROCESS UPDATE

### Step 1 – Request for Qualifications (RFQ)

- Identify entities that appear to have the experience and qualifications necessary to bring a successful marina development to fruition and to successfully and responsibly operate it
- Entities may submit as teams or in partnership to demonstrate qualifications in multiple areas (e.g. development vs. operation)
- RFQ focused on experience, qualifications and past performance with marina development and operations
  - Proposer Overview
  - Vision Statement
  - Qualifications
  - Experience
  - References

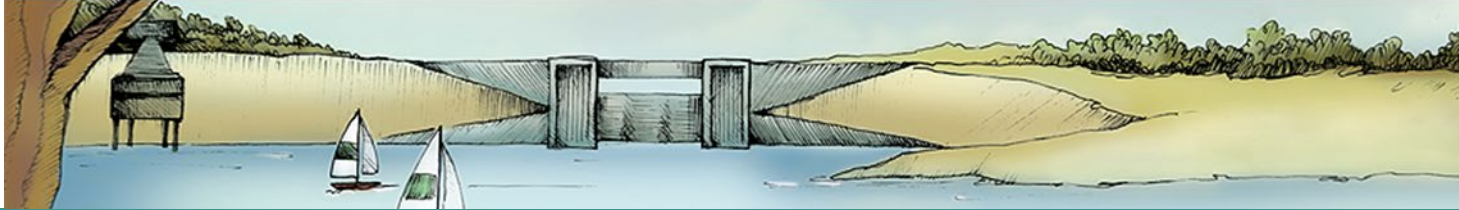




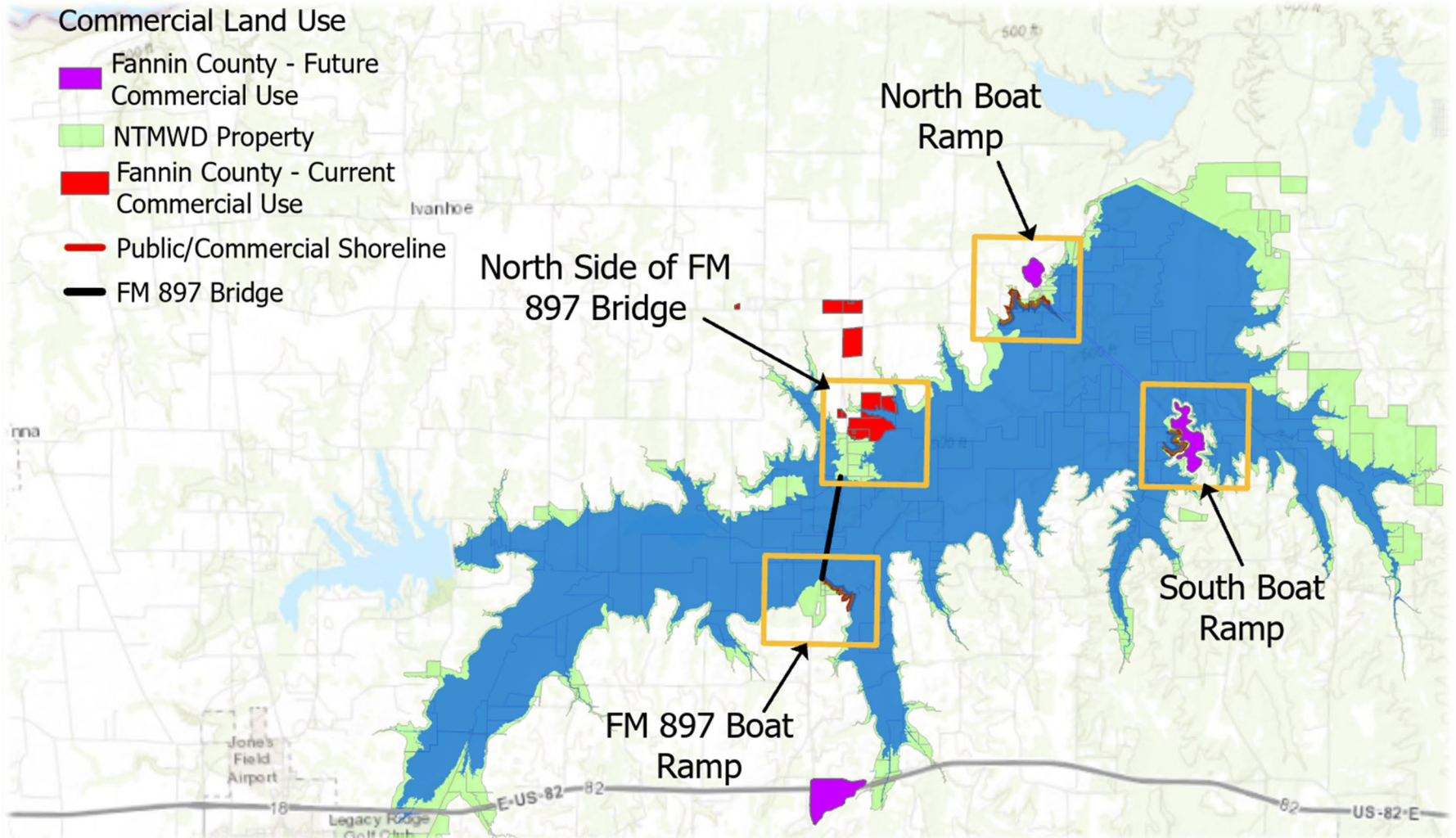
## MARINA SOLICITATION PROCESS UPDATE

### Step 2 – Request for Proposals (RFP)

- **Solicit and review proposals that include detailed information about potential marina developments to determine which appears to be the best suited for Bois d'Arc Lake**
  - Only entities or teams that have been identified as qualified through the RFQ process and invited to participate in the RFP may submit proposals (limit through Bonfire)
- **RFP Considerations**
  - Vision, Goals, and Objectives
  - Development Plan → **Proposals may include lease and use of NTMWD property adjacent to shoreline or public use areas (i.e. boat ramps)**
  - Project Schedule
  - Operational Plan
  - Financial Plan
  - Community and Economic Benefits



# MARINA SOLICITATION





## MARINA SOLICITATION PROCESS UPDATE

### Agreements

- **NTMWD will execute agreements with selected proposer that include specific conditions related to a development and operations**
  - Development agreement – Authorize use of NTMWD property, construction activities, and specific provisions related to the initial development phase
  - Concession agreement – Authorize use of NTMWD property and specific provisions related to subsequent operations
- **Final agreement will be negotiated with selected proposer**
  - Major components of agreements will be considered in RFP
- **Looking to example agreements from other area lakes:**
  - Limited marina-specific examples related to new developments
  - More recent concession agreement examples that include components related to repair, rehab and expansion
- **Currently working with NTMWD legal counsel to draft agreements**





## MARINA SOLICITATION PROCESS UPDATE

### Next Steps

- **Finalize Request for Qualifications (RFQ) and prepare to post & advertise**
  - In addition to posting on NTMWD website we hope to advertise through trade publications/newsletters
  - Will also be sending email notifications to those who have previously contacted us to inquire about marina development on BDL
- **Continue to refine Request for Proposals (RFP) and draft agreement(s)**
  - Prefer to have RFP and draft agreement(s) near final prior to posting RFQ
- **Potential to post RFQ and initiate process in Spring 2023**
  - Time required to complete RFQ and RFP processes likely to take several month given its unique and complex nature
- **Additional information and updates to Real Estate Committee as process moves forward**
  - Will provide more information on specifics of RFP and draft agreements prior to posting

Final step in process will be Real Estate Committee & Board action to authorize execution of marina development and concession agreements with selected proposer





## AGENDA

### DISCUSSION ITEMS

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

### ADJOURNMENT