

**TOWN OF ADDISON, TEXAS**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, AUTHORIZING THE USE OF EMINENT DOMAIN TO REROUTE THE TOWN OF ADDISON'S SANITARY SEWER FLOW, ALONG BELTWAY DRIVE AND TO MIDWAY ROAD, INTO ADDISON'S SANITARY SEWER SYSTEM, THROUGH THE ACQUISITION OF PERMANENT UTILITY EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS**

**WHEREAS**, due to the growth of the population of the Town of Addison and the increased traffic loads in the Town of Addison along Beltway Drive to Midway Road, it is necessary to widen and improve Midway Road to provide for the public health, safety and welfare; and

**WHEREAS**, due to the Town of Addison's goals of providing a safe and efficient road and street system as a part of its master thoroughfare plan, it is necessary to widen and improve Midway Road; and

**WHEREAS**, in order to accomplish the above public purpose, it is necessary to acquire permanent and temporary construction easements on, over and across those certain properties described in Exhibit "A" attached hereto, to reroute the sanitary sewer flow along Beltway Drive and to Midway Road, into the Town of Addison's sanitary sewer system; and

**WHEREAS**, as a part of providing safe and reliable utility services to the residents of Addison, Texas, it is necessary to acquire rights within those permanent and temporary construction easements for the construction, operation and maintenance of public utilities along Beltway Drive to Midway Road; and

**WHEREAS**, permanent and temporary easements from three (3) properties are needed for the rerouting of the sanitary sewer line project, described in Exhibit "A" attached hereto; and

**WHEREAS**, it is necessary for the Town of Addison to acquire the permanent and temporary construction easements over and across the three (3) tracts of land to construct, operate, reroute, and maintain the sewer system along Beltway Drive and to Midway Road, and public utilities to be installed within that easement area:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:**

**Section 1.** There is a public need for and the public welfare, safety and convenience will be served by the acquisition of permanent and temporary construction easements for the reroute of Addison's sanitary sewer flow into Addison's sanitary sewer system on, over and across the properties described in Exhibit "A" attached hereto; and.

**Section 2.** It is in the best interest, and is necessary to acquire permanent and temporary construction easements through eminent domain on, over, and across three (3) properties for the construction, operation and maintenance of the public street and public utilities.

**Section 3.** The use of eminent domain is hereby authorized to acquire a permanent Easement for Right-of-Way and Utilities on, over and across three properties described in Exhibit “A”.

**Section 4.** Funding for the acquisition of the acquisition of easements is available from current funds and use of these funds for acquisition of the above permanent and temporary easements is hereby authorized.

**Section 5.** That if any portion of this Resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the City Council hereby determines that it would have adopted this Resolution without the invalid provision.

**Section 6.** This Resolution shall take effect from and after its passage and it is accordingly resolved.

**PASSED AND APPROVED** on this \_\_\_\_ day of August 2019.

APPROVED:

\_\_\_\_\_  
Joe Chow, Mayor

ATTEST:

\_\_\_\_\_  
Irma Parker, City Secretary

## **EXHIBIT A**

### **Legal Description of Permanent Utility Easements and Temporary Construction Easements**

- Parcel 1: Addison Park, Ltd/John F. & Mabel K. Gibby  
15000 Beltway Drive  
Permanent Utility Easement: 25 ft.  
Temporary Construction Easement: 10 ft.
- Parcel 2: Simi Partners, LLC  
15001 Beltwood Parkway  
Permanent Utility Easement: 25 Ft.  
Temporary Construction Easement: 10 Ft.
- Parcel 3: KNC Capital I, LLC  
15000 Beltwood Parkway  
Permanent Utility Easement: 20 Ft.  
Two Temporary Construction Easements: 10 Ft.