

THE STATE OF TEXAS

COUNTY OF COLLIN

**Subject: Resolution, Acquisition of Right-Of-Way, Dallas North Tollway (DNT) Phase 4 – Engineering**

On **March 7, 2016**, the Commissioners Court of Collin County, Texas, met in **regular session** with the following members present and participating, to wit:

<b>Keith Self</b>		<b>County Judge, Presiding</b>
<b>Susan Fletcher</b>		<b>Commissioner, Precinct 1</b>
<b>Cheryl Williams</b>		<b>Commissioner, Precinct 2</b>
<b>Chris Hill</b>		<b>Commissioner, Precinct 3</b>
<b>Duncan Webb</b>	<b>Not Present</b>	<b>Commissioner, Precinct 4</b>

During such session the court considered adoption of the following resolution for the acquisition of right-of-way to construct the Dallas North Tollway (DNT) Phase 4 through condemnation proceedings if purchase negotiations are unsuccessful.

**WHEREAS**, the Commissioners Court of Collin County, Texas has determined that current county needs necessitate the acquisition of right-of-way for construction of a public roadway, namely the Dallas North Tollway (DNT) Phase 4 between U.S. Highway 380 and F.M. Highway 428 in Collin County.

**WHEREAS**, the County, by and through its agents, contacted the following owners of property (“Property Owners”) along the Dallas North Tollway and extended a good faith offer to them, to acquire the necessary right-of-way property interests, which was equal to or greater than the fair market value of the property interests we are seeking to acquire, inclusive of any appraised damages to the remainder of the property owners remaining property, as determined by appraisal:

**Beall Concrete Enterprises, Ltd. – Parcel No. 40-7R1** 1.8145 acres of land, more or less, in the Collin County School Land Survey No. 12, Abstract No. 147, Collin County, Texas, and being part of a tract of land conveyed to Beall Concrete Enterprises, Ltd. by deed recorded at County Clerk File No. 2005-0172075 in the Deed Records of Collin County, Texas (DRCCT)  
Amount Offered **\$484,442**

**G&H Properties, L.P. – Parcel No. 40-8** 0.9068 acres of land, more or less, in the Collin County School Land Survey No. 12, Abstract No. 147, Collin County, Texas, and being part of a tract of land conveyed to G&H Properties, L.P. by deed recorded at Volume 5565, Page 3107 in the Deed Records of Collin County, Texas (DRCCT)  
Amount Offered **\$485,650**

**Prosper Commercial Joint Venture – Parcel No. 40-13R1** 5.117 acres of land, more or less, in the Collin County School Land Survey No. 12, Abstract No. 147, Collin County, Texas, and being part of a tract of land conveyed to Prosper Commercial Joint Venture by deed recorded at County Clerk File No. 93-0021705 in the Deed Records of Collin County, Texas (DRCCT)  
Amount Offered **\$1,009,267**; and

**WHEREAS**, the county made a final offer to the Property Owners; and

**WHEREAS**, the County has been unable to reach an agreement with the Property Owners, the County's attorney has recommended that the County institute condemnation proceedings to acquire the necessary right of way; and

**WHEREAS**, the Commissioners Court of Collin County, Texas, has determined that the right of way should be acquired by condemnation, if necessary; and

**WHEREAS**, the Commissioners Court of Collin County, Texas has authorized its attorney to acquire the right of way through the County's power of eminent domain by instituting condemnation proceedings against the Property Owners described above.

It is, therefore, ORDERED that the law firm of Banowsky & Levine, P.C. ("County Attorney"), continue to negotiate on behalf of the County to purchase the right-of-way property from the Property Owners described above and to immediately institute condemnation proceedings to acquire the Property.

PASSED AND APPROVED this 7<sup>TH</sup> day of March, 2016.



Keith Self, County Judge

Susan Fletcher, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Chris Hill, Commissioner, Pct. 3

Not Present

Duncan Webb, Commissioner, Pct. 4

ATTEST:

Stacey Kemp, Ex-Officio Clerk  
Commissioners Court  
Collin County, T E X A S