

July 17, 2019

INTERLOCAL COOPERATION AGREEMENT BETWEEN
NORTH TEXAS MUNICIPAL WATER DISTRICT AND
COLLIN COUNTY

THIS AGREEMENT is made and entered into by and between the **NORTH TEXAS MUNICIPAL WATER DISTRICT**, a political subdivision of the State of Texas, (hereinafter referred to as "NTMWD" or "District") and the **COLLIN COUNTY, TEXAS** (hereinafter referred to as "Collin County"). Individually, NTMWD and Collin County may be referred to as a "Party" and collectively, NTMWD and Collin County may be referred to as "Parties."

WHEREAS, the Interlocal Cooperation Act (the "Act"), codified as Chapter 791, Texas Government Code, authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, NTMWD desires to construct a new right of way for the portion of Lynda Lane near NTMWD's operations buildings in Wylie, Texas (the "**New ROW**") and abandon part of the old right of way for Lynda Lane (the "**Old ROW**") when the new construction is complete; and

WHEREAS, NTMWD is in the process acquiring, on behalf of Collin County, easements on certain real property owned by Kenneth Ridings and Gina Ridings (the "**Ridings Easement**"), the property being more fully described in Exhibit "A" and incorporated herein by reference, which will be needed for the new right of way; and

WHEREAS, NTMWD is in the process of acquiring, on behalf of Collin County, easements on certain real property owned by John and Starr Crouse (the "**Crouse Easement**"), the property being more fully described in Exhibit "B" and incorporated herein by reference, which will be needed for the new right of way; and

WHEREAS, NTMWD will pay for and oversee the construction of the New ROW in compliance with the Collin County's road standards or better and the demolition of a portion of the Old ROW; and

WHEREAS, after the construction is complete and found to be in compliance with Collin County's road standards, the New ROW will be dedicated to Collin County and Collin County will accept the dedication and assume maintenance of the New ROW; and

WHEREAS, after the construction is complete, Collin County will abandon a portion of the Old ROW; and

NOW THEREFORE, for mutual consideration hereinafter stated, Collin County and the NTMWD agree as follows:

July 17, 2019

**I.
EFFECTIVE DATE**

The Agreement shall be effective on the date of the last signature hereto (the "Effective Date").

**II.
THE AGREEMENT**

A. Purchase of Ridings Easement and Crouse Easement and Construction

The Parties agree that NTMWD shall purchase the Ridings Easement and the Crouse Easement on behalf of Collin County in preparation for the construction of the New ROW in a manner consistent with Collin County's road standards or better. NTMWD shall pay for and oversee construction of the New ROW.

B. Dedication of Ridings Easement and Crouse Easement

The Parties agree that after construction of the New ROW is complete and found to be in compliance with Collin County's road standards, the New ROW will be dedicated to and accepted by Collin County (the "Dedication").

C. Maintenance

After the completion of construction of the New ROW in a manner consistent with Collin County's road standards or better and acceptance of the Dedication of the New ROW, , Collin County will assume all future maintenance of the New ROW as the New ROW will benefit the citizens of Collin County.

D. Abandonment of Old ROW

The Parties agree that Collin County will abandon a portion of the Old ROW that will no longer be needed after construction of the New ROW.

**III.
TERM**

This Agreement shall be effective until terminated in writing by one of the Parties.

**IV.
NOTICE**

Notice as required by this Agreement shall be in writing delivered to the Parties via e-mail or certified mail at the addresses listed below:

July 17, 2019

COLLIN COUNTY

NTMWD

David Scott
North Texas Municipal Water District
P.O. Box 2408
Wylie, TX 75098
972-442-5405 (Telephone)
dscott@ntmwd.com

Each Party shall notify the other in writing within ten (10) days of any change in the information listed in this paragraph.

**V.
ENTIRE AGREEMENT**

This Agreement represents the entire agreement between NTMWD and Collin County, and supersedes all prior negotiations, representations and/or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both Parties.

**VI.
VENUE**

This Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas, and this Agreement is performable in Collin County, Texas. Exclusive venue shall be in Collin County, Texas.

**VII.
SEVERABILITY**

The provisions of this Agreement are severable. In the event that any section, subsection, paragraph, sentence, clause, or phrase of this Agreement shall be found to be contrary to law, or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of this Agreement; however, upon the occurrence of such event, either Party may terminate this Agreement by giving the other Party thirty (30) days written notice of its intent to terminate.

**VIII.
ASSIGNMENT**

This Agreement shall not be assigned in whole or in part without the written consent of both Parties.

July 17, 2019

**IX.
INTERPRETATION OF AGREEMENT**

This is a negotiated document. Should any part of this Agreement be in dispute, the Parties agree that this Agreement shall not be construed more favorably for either Party based on the presumption that it was drafted by either Party.

**X.
REMEDIES**

No right or remedy granted herein or reserved to the Parties is exclusive of any right or remedy granted by law or equity, but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Agreement may be waived without the express written consent of the Parties. It is further agreed that one (1) or more instances of forbearance by either Party in the exercise of its respective rights under this Agreement shall in no way constitute a waiver thereof.

**XI.
AUTHORITY TO SIGN**

The undersigned officers and/or agents of the Parties hereto are the duly authorized officials and have the necessary authority to execute this Agreement on behalf of the Party it represents.

**XII.
CALENDAR DAYS**

Throughout this Agreement, "Day" shall mean a calendar day, unless otherwise specified. If a deadline falls on a weekend or holiday, the deadline shall be the following working day.

[Remainder of Page Intentionally Blank]

July 17, 2019

EXECUTED in duplicate originals this 12th day of September, 2019.

COLLIN COUNTY, TEXAS

By:

Printed Name: Charles Hill

Title: County Judge

NORTH TEXAS MUNICIPAL WATER
DISTRICT

By:

For Thomas W. Kula

Executive Director

EXHIBIT "A"
NORTH TEXAS MUNICIPAL WATER DISTRICT
WYLIE OPERATIONS CENTER PROJECT

0.0578 ACRE RIGHT-OF-WAY DESCRIPTION
SITUATED IN THE FRANCISCO DE LA PINA SURVEY,
ABSTRACT No. 688
CITY OF WYLIE, COLLIN COUNTY, TEXAS

BEING a 0.0578 acres (2,519 square foot) tract of land situated in the Francisco De La Pina Survey, Abstract No. 688, City of Wylie, Collin County, Texas, and being a portion of a called 1.780 acre tract of land as described in a Warranty Deed with Vendor's Lien Retained by third party to Kenneth W. Ridings and Gina R. Ridings, as recorded in Instrument No. 96-0024057, Deed Records of Collin County, Texas (D.R.C.C.T.) and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod with yellow plastic cap stamped "CP&Y" found at the southeasterly corner of a called 1.28 acre tract of land as described in a Warranty Deed with Vendor's Lien to John Crouse and spouse, Starr Crouse, as recorded in Document No. 2004-0139980, D.R.C.C.T., same being the northwesterly corner of a called 5.032 acre tract of land as described in a Special Warranty Deed to the North Texas Municipal Water District (N.T.M.W.D.), as recorded in Instrument No. 20121121001491100, of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), same being the northeasterly corner of a called 7.367 acre tract of land described as "Tract 1" in a Warranty Deed to North Texas Municipal Water District, as recorded in Volume 3713, Page 417, D.R.C.C.T., same being the southwesterly corner of a called 36.471 acre tract of land described as "Tract 3" in said Warranty Deed to North Texas Municipal Water District, as recorded in said Volume 3713, Page 417, D.R.C.C.T., and also being the most easterly southeast corner of said Ridings tract, having a Texas Coordinate System, NAD83 (2011), North Central Zone (4202), grid coordinate of North 7,063,381.24, East 2,575,530.81;

THENCE North 89 degrees 01 minutes 55 seconds West, along the common south line of said Crouse tract and the north line of said N.T.M.W.D. Tract 1, a distance of 13.99 feet to a magnetic nail with shiner stamped "CP&Y" set in the approximate centerline of Lynda Lane (a roadway by prescription) and being the most easterly corner of said Ridings tract, the **POINT OF BEGINNING**, having a Texas Coordinate System, NAD83 (2011), North Central Zone (4202), grid coordinate of North 7,063,381.47, East 2,575,516.82;

THENCE North 89 degrees 01 minutes 55 seconds West, continuing along the south line of said Ridings tract and said north line of said N.T.M.W.D. Tract 1, a distance of 5.66 feet to a magnetic nail with shiner stamped "CP&Y" set in asphalt at the beginning of a non-tangent curve to the right, having a radius point that bears North 34 degrees 15 minutes 56 seconds East, a distance of 305.00 feet;

THENCE, departing said common line and crossing said Ridings tract, along said non-tangent curve to the right in a northwesterly direction, through a central angle of 07 degrees 10 minutes 44 seconds, having a radius of 305.00 feet, a chord bearing of North 52 degrees 08 minutes 42 seconds West, a chord distance of 38.19 feet, and an arc distance of 38.21 feet to a 5/8 inch iron rod with yellow plastic cap stamped "CP&Y" set at the end of said curve for corner;

THENCE North 48 degrees 33 minutes 20 seconds West, continuing across said Ridings tract, a distance of 73.53 feet to a 5/8 inch iron rod with yellow plastic cap stamped "CP&Y" set for corner;


THENCE North 41 degrees 26 minutes 40 seconds East, continuing across said Ridings tract, a distance of 28.55 feet to a magnetic nail with shiner stamped "CP&Y" set in Lynda Lane, and being the common northeasterly line of said Ridings tract and the southwesterly line of the aforementioned Crouse tract, and being the beginning of a non-tangent curve to the right, having a radius point that bears South 38 degrees 41 minutes 53 seconds West, a distance of 248.93 feet and from which a Pk nail found at the most westerly southwest corner of said Crouse tract has a chord bearing of North 54 degrees 27 minutes 29 seconds West, a distance of 37.86 feet;

THENCE, along said non-tangent curve to the right, along the common northeasterly line of said Ridings tract and southwesterly line of said Crouse tract in a southeasterly direction, through a central angle of 27 degrees 26 minutes 47 seconds, having a radius of 248.93 feet, a chord bearing of South 37 degrees 34 minutes 44 seconds East, a chord distance of 118.11 feet, and an arc distance of 119.24 feet, to the **POINT OF BEGINNING** and containing within the metes recited 0.0578 acres (2,519 square feet) of land, more or less.

The Basis of Bearings is the Texas State Plane Coordinate System of 1983, North American Datum (NAD 83) 2011 adjustment, epoch (2010.0). Distances and Area shown are surface.

Exhibit drawing of even survey date herewith accompanies the field note description for the Variable Width Right-of-Way Dedication.

I, Mark A. Nace, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this description and the exhibit attached hereto were prepared from an actual survey of the property performed on the ground and that the same is true and correct.


Mark A. Nace
Registered Professional Land Surveyor
Texas No. 5539

Date: May 31, 2018

CP&Y, Inc.
1820 Regal Row # 200
Dallas, Texas 75235
TBPLS Firm Registration No. 10194115





0 20 40
SCALE 1"=40'

EXHIBIT "A" VARIABLE WIDTH WIDE RIGHT-OF-WAY DEDICATION

SITUATED IN THE
FRANCISCO DE LA PINA SURVEY, ABSTRACT NO. 688
CITY OF WYLIE, COLLIN COUNTY, TEXAS
PAGE 3 OF 3

DONG WU
INST. NO. 20150413000410560
O.P.R.C.C.T.
(CALLED 1.07 ACRES)

JOHN CROUSE AND SPOUSE
STARR CROUSE
CALLED 1.28 ACRES
VOL. 5759, PG. 61
D.R.C.C.T.

VARIABLE WIDTH
R.O.W. DEDICATION
0.0578 ACRE
(2,519 SQ. FT.)

FRANCISCO DE LA PINA SURVEY
ABSTRACT NO. 688

PK NAIL FND.
(C.M.)

N 54°27'29" W
37.86'

5/8" C.I.R.S.
"CP&Y"

KENNETH W. RIDINGS AND
GINA R. RIDINGS,
INSTR. NO. 96-0024057
D.R.C.C.T.
(CALLED 1.780 ACRES)

5/8" C.I.R.S.
"CP&Y"

$\Delta=07°10'44"$
R=305.00'
L=38.21'
CB=N 52°08'42" W
CD=38.19'

$\Delta=27°26'47"$
R=248.93'
L=119.24'
CB=S 37°34'44" E
CD=118.11'

LYNDA LANE

NORTH TEXAS MUNICIPAL WATER DISTRICT
TRACT 3
CALLED 36.471 ACRES
VOL. 3713, PG. 417
D.R.C.C.T.

P.O.C.
GRID COORDINATES
N: 7,063,381.24
E: 2,575,530.81

P.O.B.
GRID COORDINATES
N: 7,063,381.47
E: 2,575,516.82

NORTH TEXAS MUNICIPAL
WATER DISTRICT
CALLED 5.032 ACRES
INST. NO. 20121121001491100
O.P.R.C.C.T.

LEGEND:

Δ = POINT
- = NOT TO SCALE
C.M. = CONTROL MONUMENT
I.R.F. = IRON ROD FOUND
C.I.R.F. = CAPPED IRON ROD FOUND
D.R.C.C.T. = DEED RECORDS CAUFMAN COUNTY, TEXAS
P.R.C.C.T. = PLAT RECORDS CAUFMAN COUNTY, TEXAS
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCING

NOTES:

1) BEARINGS ARE BASED ON TRUE GEODETIC NORTH, OBTAINED BY OBSERVATIONS WITH A GLOBAL POSITIONING SYSTEM, AND REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD 83 COORDINATES. DISTANCES AND AREA SHOWN HEREON ARE SURFACE. SCALE FACTOR IS 1.00015271

NORTH TEXAS MUNICIPAL WATER DISTRICT

505 E. BROWN ST. • P.O. BOX 2408 • WYLIE, TEXAS 75098

NORTH TEXAS MUNICIPAL WATER DISTRICT
"LYNDA LANE RIGHT-OF-WAY"

FILE: 1500606 RIGHT OF WAY 2.DWG

JOB: 1500606

FIELDBOOK 327

DATE: APRIL 2018

CHECKED BY: MAN

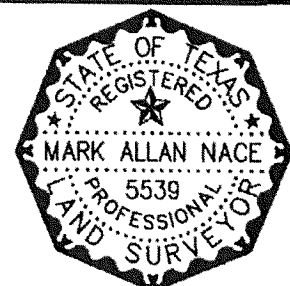
DRAWN BY: DV

PAGE: 3 OF 3

SCALE: 1"=40'



1820 Regal Row, Suite 150, Dallas, Texas 75235 | 214.747.3733
TEXAS REGISTERED ENGINEERING FIRM F-1741
TBPLS 10194115



Mark Allan Nace, RPLS
Texas Registration No. 5539
4/1/2018

EXHIBIT "B"
NORTH TEXAS MUNICIPAL WATER DISTRICT
WYLIE OPERATIONS CENTER PROJECT

0.0722 ACRE RIGHT-OF-WAY DESCRIPTION
SITUATED IN THE FRANCISCO DE LA PINA SURVEY,
ABSTRACT No. 688
CITY OF WYLIE, COLLIN COUNTY, TEXAS

BEING a 0.0722 acres (3,146 square foot) tract of land situated in the Francisco De La Pina Survey, Abstract No. 688, City of Wylie, Collin County, Texas, and being a portion of a called 1.28 acre tract of land as described in a Warranty Deed with Vendor's Lien to John Crouse and spouse, Starr Crouse, as recorded in Document No. 2004-0139980, Deed Records of Collin County, Texas (D.R.C.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with yellow plastic cap stamped "CP&Y" found at the southeast corner of said Crouse tract, same being the northwesterly corner of a called 5.032 acre tract of land as described in a Special Warranty Deed to the North Texas Municipal Water District (N.T.M.W.D.) as recorded in Instrument No. 20121121001491100, of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), same being the northeasterly corner of a called 7.367 acre tract of land described as "Tract 1" in a Warranty Deed to North Texas Municipal Water District, as recorded in Volume 3713, Page 417, D.R.C.C.T., same being the southwesterly corner of a called 36.471 acre tract of land described as "Tract 3" in said Warranty Deed to North Texas Municipal Water District, as recorded in said Volume 3713, Page 417, D.R.C.C.T., having a Texas Coordinate System, NAD83 (2011), North Central Zone (4202), grid coordinate of North 7,063,381.24, East 2,575,530.81;

THENCE North 89 degrees 04 minutes 04 seconds West, along the common south line of said Crouse tract and the north line of said N.T.M.W.D. "Tract 1", a distance of 13.99 feet to a magnetic nail with shiner stamped "CP&Y" set in Lynda Lane (a roadway by prescription) and being the beginning of a non-tangent curve to the left, having a radius point that bears South 66 degrees 08 minutes 40 seconds West, a distance of 248.93 feet;

THENCE, along said non-tangent curve to the left, departing said common line, along the common southwesterly line of said Crouse tract and the northeasterly line of said Ridings tract in a northwesterly direction, through a central angle of 27 degrees 26 minutes 47 seconds, having a radius of 248.93 feet, a chord bearing of North 37 degrees 34 minutes 44 seconds West, a chord distance of 118.11 feet, and an arc distance of 119.24 feet, to a magnetic nail with shiner stamped "CP&Y" set and from which a Pk nail found at the most westerly southwest corner of said Crouse tract has a chord bearing of North 54 degrees 27 minutes 29 seconds West, a distance of 37.86 feet;

THENCE North 41 degrees 26 minutes 40 seconds East, departing said common line and crossing said Crouse tract, a distance of 21.45 feet to a 5/8 inch iron rod with yellow plastic cap stamped "CP&Y" set for corner;

THENCE South 48 degrees 33 minutes 20 seconds East, continuing across said Crouse tract, a distance of 73.53 feet to a 5/8 inch iron rod with yellow plastic cap stamped "CP&Y" set at the beginning of a curve to the left, having a radius point that bears North 41 degrees 26 minutes 40 seconds East, a distance of 255.00 feet;

THENCE, along said curve to the left and continuing across said Crouse tract in a southeasterly direction, through a central angle of 05 degrees 08 minutes 23 seconds, having a radius of 255.00 feet, a chord bearing of South 51 degrees 07 minutes 32 seconds East, a chord distance of 22.87 feet, and an arc distance of 22.88 feet, to a 5/8 inch iron rod with yellow plastic cap stamped "CP&Y" set on the common east line of said Crouse tract and the west line of the aforementioned N.T.M.W.D. "Tract 3";

THENCE South 01 degrees 20 minutes 29 seconds West, along said common line, a distance of 46.90 feet to the **POINT OF BEGINNING** and containing within the metes recited 0.0722 acres (3,146 square feet) of land, more or less.

The Basis of Bearings is the Texas State Plane Coordinate System of 1983, North American Datum (NAD 83) 2011 adjustment, epoch (2010.0). Distances and Area shown are surface.

Exhibit drawing of even survey date herewith accompanies the field note description for the Variable Width Right-of-Way Dedication.

I, Mark A. Nace, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this description and the exhibit attached hereto were prepared from an actual survey of the property performed on the ground and that the same is true and correct.



Mark A. Nace
Registered Professional Land Surveyor
Texas No. 5539

Date: May 31, 2018

CP&Y, Inc.
1820 Regal Row # 200
Dallas, Texas 75235
TBPLS Firm Registration No. 10194115



Mark Allan Nace, RPLS
Texas Registration No. 5539

NORTH TEXAS MUNICIPAL WATER DISTRICT

JULY 2019

CONSENT AGENDA ITEM NO. 19-07-04

INTERLOCAL COOPERATION AGREEMENT BETWEEN COLLIN COUNTY AND THE NORTH TEXAS MUNICIPAL WATER DISTRICT TO REALIGN A PORTION OF LYNDA LANE PROJECT NO. 101-0352-14

PURPOSE OF THIS ACTION

Authorize the execution of an Interlocal Agreement (ILA) with Collin County to memorialize the process in which the new right-of-way (ROW) is acquired and dedicated to Collin County for their operation and maintenance of the realigned Lynda Lane.

RECOMMENDATION

The Executive Director and NTMWD staff recommend the Board of Directors authorize the Executive Director to execute an ILA with Collin County as follows:

Contracting

Parties: Collin County (County), and North Texas Municipal Water District (NTMWD)

Purpose: Execution of Interlocal Cooperation Agreement

Project: Project No. 101-0352-14, Water System Operations Center

Amount: N/A

DRIVER(S) FOR THIS PROJECT

- | | |
|---|---|
| <input type="checkbox"/> Regulatory Compliance | <input checked="" type="checkbox"/> Asset Condition |
| <input checked="" type="checkbox"/> Capacity | <input type="checkbox"/> Redundancy/Resiliency |
| <input checked="" type="checkbox"/> Relocation or External Requests | <input type="checkbox"/> Operational Efficiency |
| <input type="checkbox"/> Safety | <input checked="" type="checkbox"/> Administrative |
| <input type="checkbox"/> Policy | <input type="checkbox"/> Other _____ |

BACKGROUND

- The current alignment of Lynda Lane runs north to south between the future Water System Operations Center site and the Wylie Water Treatment Plant (WTP) IV site. NTMWD staff has met with officials from the City of Wylie and Collin County to discuss abandonment of the north to south section of Lynda Lane and establishment of a new 700-foot east to west alignment of Lynda Lane along the north side of the Water System Operations Center site, to Forrest Ross Road.
- The proposed abandoned portion of Lynda Lane will be incorporated into the District's

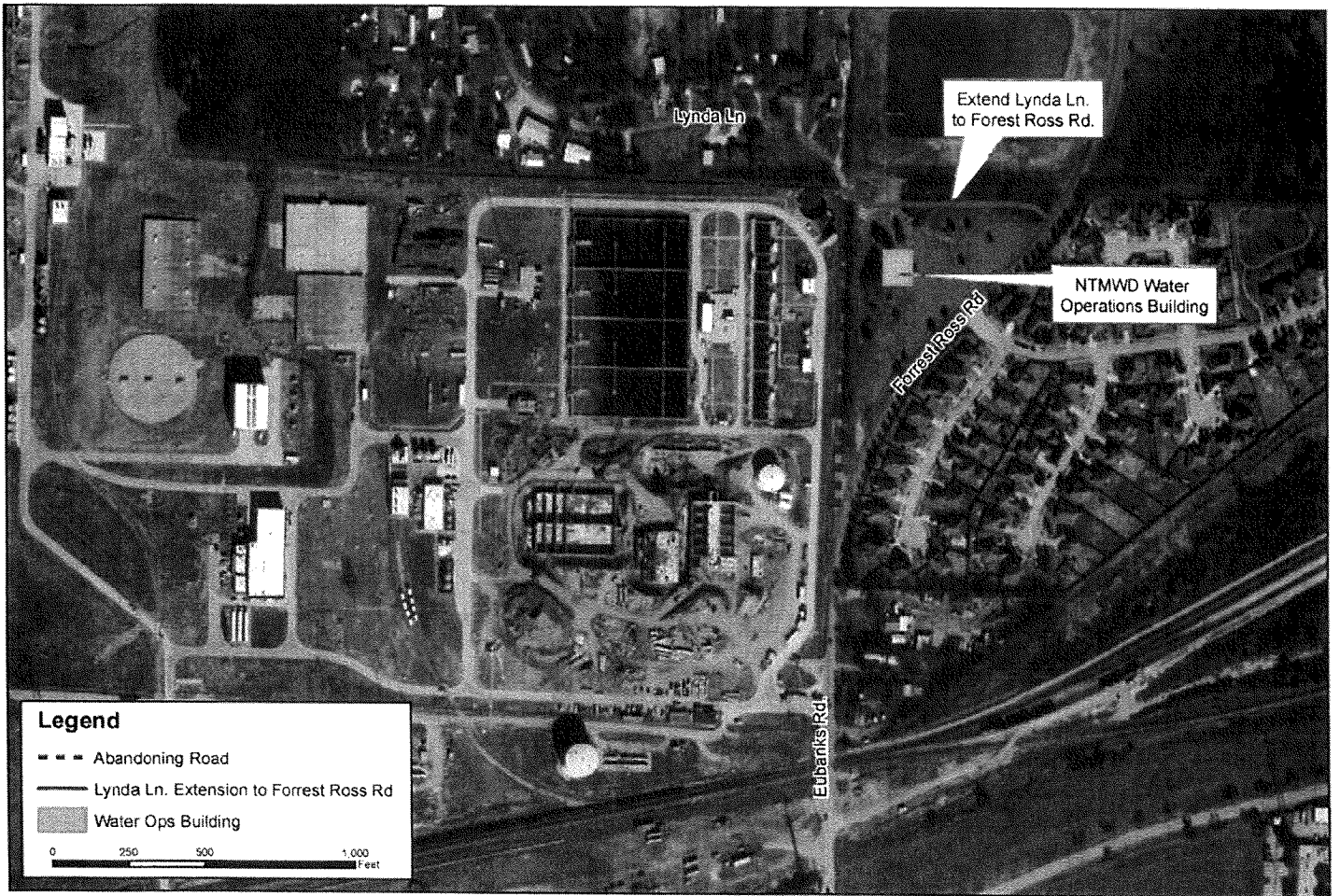
- property once the new alignment is in service.
- The realignment will provide continuity of NTMWD property to improve security, safety and access for NTMWD vehicles operating between the Water System Operations Center and the WTP's.
- The City of Wylie and Collin County concur with the proposed realignment.

INTERLOCAL AGREEMENT

- NTMWD desires to realign a portion of Lynda Lane within new ROW near NTMWD's Water System Operations Center (the "New ROW") and abandon part of the old ROW for Lynda Lane (the "Old ROW") when the new road construction is complete;
- NTMWD is in the process of acquiring, on behalf of Collin County, two easements for the realignment;
- NTMWD will pay for and oversee construction of the realignment and the demolition of a portion of the Old ROW;
- After the construction is complete, the New ROW will be dedicated to Collin County and Collin County will assume maintenance of the New ROW; and
- A copy of the draft ILA is attached, however, it hasn't been approved by Collin County and is subject to revisions. If revisions are made, a final executed copy will be provided.

FUNDING

FUND(S): None Requested



Interlocal Agreement between Collin County and the NTMWD
Water System Operations Center
Project No. 101-0352-14
Consent Agenda Item No. 19-07-04

