

State of Texas	§	Court Order
Collin County	§	2023-577-06-26
Commissioners Court	§	

A resolution of the Collin County Commissioners Court approving the acquisition of right of way to construct the Dallas North Tollway Phase 4 though condemnation proceeding 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 owner 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:

Tollway Celina 45 Partners, LLC – Parcel No. 41-5C 9.635 acres of land, more or less, in the ABS A0806 Thomas Stayton Survey (Tract 5), Collin County, Texas.

Exhibit A&B

Whereas, the County has determined that the property interests set forth above are necessary for the Project, which constitutes an authorized public use, namely public transportation.

Whereas, the County made a bona fide offer to the property owners pursuant to Section 21.0113 of the Texas Property Code and otherwise complied with the statutory protections and procedures set forth in Chapter 21 of the Texas Property Code and Chapter 2206 of the Texas Government Code; and

Whereas, the County has attempted to reach agreement with the Property Owners to acquire the property interests set forth above, but has been unable to reach such an agreement with the Property Owners; and

Whereas, the Commissioners Court of Collin County, Texas, has determined that the property interests set forth should be acquired through the use of eminent domain, if necessary; and

Whereas, the Commissioners Court of Collin County, Texas authorizes its attorney to acquire the property interests set forth above through the County’s power of eminent domain by instituting eminent domain proceedings with respect to the above referenced property interests in accordance with the laws of the State of Texas.

Now, therefore, be it resolved that the law firm of Banowsky, P.C., continue to negotiate on behalf of the County to purchase the property interests set forth above from the Property Owners described above and further authorize the law firm of Banowsky, P.C. to immediately institute eminent domain proceedings in order to acquire the property interests set forth above.

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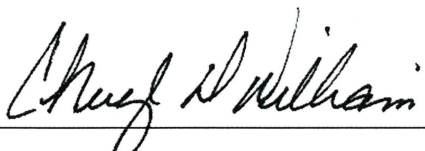
A motion was duly made, seconded, and carried by a majority of the court members in attendance during a regular session on Monday, June 26, 2023.

Abstained

Chris Hill, County Judge



Susan Fletcher, Commissioner, Pct 1

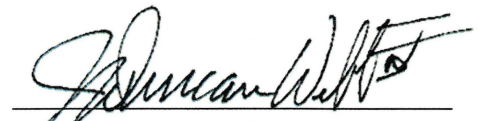


Cheryl Williams, Commissioner, Pct 2



Not Present

Darrell Hale, Commissioner, Pct 3



Duncan Webb, Commissioner, Pct 4



ATTEST: Stacey Kemp, County Clerk