



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

**File #:** 17-351 **Name:** 2nd Amendment NTMWD  
**Type:** Resolution **Status:** Approved  
**In control:** City Council Regular Meeting  
**On agenda:** 4/4/2017 **Final action:** 4/4/2017  
**Title:** Consider/Discuss/Act on a Resolution Authorizing a Second Amendment to the Lease And Easement Agreement with the North Texas Municipal Water District for the Former City Landfill Property and Authorizing the City Manager to Execute All Necessary Documents

### Indexes:

**Attachments:** 1. Resolution, 2. Second Amendment to NTMWD Easement

Date	Ver.	Action By	Action	Result
4/4/2017	1	City Council Regular Meeting	Approved	Pass

Consider/Discuss/Act on a Resolution Authorizing a Second Amendment to the Lease And Easement Agreement with the North Texas Municipal Water District for the Former City Landfill Property and Authorizing the City Manager to Execute All Necessary Documents

**COUNCIL GOAL:** Operational Excellence

**MEETING DATE:** April 4, 2017

**DEPARTMENT:** City Attorney / Public Works

**CONTACT:** Mark Houser, City Attorney  
David Brown, PE, Director of Public Works

### RECOMMENDED CITY COUNCIL ACTION:

- Approval of Resolution for a Second Amendment to the Lease and Easement Agreement with the North Texas Municipal Water District (NTMWD) for the former city landfill property.

### ITEM SUMMARY:

- This item authorizes the City Manager to execute all necessary documents in the modification of the boundaries of the property.

### BACKGROUND INFORMATION:

- In 1993, the City entered into a Lease and Easement Agreement with the NTMWD for the operation of a municipal solid waste landfill located on a  $\pm$  168.92 acre tract located in Collin County. This agreement was first amended in 2007.
- The operations to receive solid waste have ceased, but NTMWD has continuing post-closure monitoring and other obligations pursuant to the permit issued by the Texas Commission on Environmental Quality (TCEQ) and its applicable regulations.
- Under the original agreement, NTMWD retains a non-exclusive easement to and on the

Landfill Tract. At the time the base agreement was executed, it was understood that the easement boundary should correspond to the boundary designated in the permit and that boundary may be changed from time-to-time for certain agreed matters.

- As part of the FM 546 Road Project, a  $\pm$  4.812 acre tract of land from the landfill tract was acquired by the State of Texas through the Texas Department of Transportation (TXDOT) for use as a right-of-way and related infrastructure for this project.
- In September 2015, the City, NTMWD, and TXDOT entered into an Interlocal Agreement for Reimbursement of Permit Modification Expenses for the FM 546 Road Project.
- During the process to obtain an approval from TCEQ to modify the permit to remove a 4.812 acre tract of land, NTMWD identified a matter pertaining to a groundwater monitoring well located within the proposed right-of-way and eventually obtained approval from TCEQ to modify its landfill permit regarding to reduce its original boundaries and relocate the monitoring well.
- It was also identified that the NTMWD would maintain access to cross the right-of-way for purposes of accessing its monitoring wells and the fence located on the right-of-way tract until it is relocated.
- TCEQ approved the modification to the NTMWD permit on December 19, 2016.
- In consideration of the above, the attached amendment will recognize the boundaries of the landfill as referenced in the base agreement to correspond to those as represented in the modified permit approved by TCEQ. Also, it allows for future boundary adjustments and the process by which they may occur and be approved.

**FINANCIAL SUMMARY:**

- NTMWD is responsible for all costs and liabilities associated with maintaining the closed landfill property.

**BOARD OR COMMISSION RECOMMENDATION:** N/A