



22-0639

TITLE: Conduct a Public Hearing to Consider/Discuss/Act on a Request by the North Texas Municipal Water District (“NTMWD”) for a Grant by the City of McKinney of a Temporary Construction Easement Across Public Land Owned by the City that is Designated as Parkland, Which Parkland is Generally Located Just East of Airport Drive approximately 1,500 feet south of US 380, for the Construction and Installation of a Sanitary Sewer for the Mutual Benefit of NTMWD and the Public and Accompanying Ordinance

COUNCIL GOAL: Operational Excellence
(2E. Continuously provide a high level of customer service to our citizens)

MEETING DATE: July 19, 2022

DEPARTMENT: Development Services/Engineering

CONTACT: Michael Hebert, PE, Assistant Director of Engineering

RECOMMENDED CITY COUNCIL ACTION:

- Approval of the attached ordinance and find that there is no feasible and prudent alternative to NTMWD’s use of such City-owned parkland to extend the required sewer transmission lines.
- Find that NTMWD’s project includes all reasonable planning to minimize harm to the land, as a park, resulting from such use or taking.

ITEM SUMMARY:

- NTMWD has an existing sanitary sewer easement on park property where they intend to replace an older sewer with a larger sewer.
- The easement existed prior to the property being purchased by the city as parkland.
- The NTMWD has requested that the City allow it to use portions of City designated parkland as a temporary construction easement adjacent to their existing easement totaling approximately 1.3 acres for the construction and installation of a sanitary sewer interceptor as shown on the attached location map.
- The requested temporary construction easement (TCE) is generally located just

- east of Airport Drive and approximately 1,500 feet south of US 380
- State law as defined in Chapter 26, *Protection of Public Parks and Recreational Lands*, of the Texas Parks and Wildlife Code requires that:
 - *a municipality of this state may not approve any program or project that requires the use or taking of any public land designated and used prior to the arrangement of the program or project as a park unless the municipality, acting through its duly authorized governing body or officer, determines that:*
 - 1) *there is no feasible and prudent alternative to the use or taking of such land; and*
 - 2) *the program or project includes all reasonable planning to minimize harm to the land, as a park, resulting from the use or taking.*
 - *A finding may be made only after notice and a hearing as required by this chapter.*
 - Should Council approve the attached ordinance, NTMWD will compensate the City of McKinney the fair market value of the temporary construction easement, as determined by an independent appraisal.

BACKGROUND INFORMATION:

- NTMWD requires this installation to address possible flow concerns in their East Fork Trunk Sewer (EFTS).
- Without these improvements, there is limited capacity in the EFTS to serve future McKinney developments in the East Fork basin.
- By staying within the existing easement and only obtaining a TCE, NTMWD has minimized the impact on park property.
- Staff has reviewed NTMWD's request and recommends approval of the proposed TCE and the attached ordinance.
- Parks and Recreation and the city attorney have been consulted and concur that the selected option has the least impact on the park property.
- NTMWD has agreed to reimburse McKinney for the cost of appraisals to determine the fair market value of the TCE and the cost to advertise the public hearing in the newspaper.

SPECIAL CONSIDERATIONS:

- This process is in accordance with the requirements of the Texas Parks and Wildlife Code, Sections 26.001, *et seq.*, which requires newspaper advertising three consecutive times prior to the hearing as well as written notification to the City.

FINANCIAL SUMMARY: None

BOARD OR COMMISSION RECOMMENDATION: None

SUPPORTING MATERIALS:

[Ordinance](#)
[Location Map](#)
[Presentation](#)