



22-1073

**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 Sanitary Sewer Easements Primarily Under and Across Public Land Owned by the City that is Designated as Parkland, Which Parkland is Generally Located Approximately 2,000 feet east of SH 5 and just south of Harry McKillop Boulevard, for the Construction and Installation of Sanitary Sewer Force Mains 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:** November 15, 2022

**DEPARTMENT:** Development Services/Engineering

**CONTACT:** Michael Hebert, PE, CFM, CPESC, Assistant City Engineer

**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:**

- The North Texas Municipal Water District has requested that the City allow it to use portions of the old city landfill, which is now designated as parkland on two separate tracts as permanent sanitary sewer easements totaling approximately 1.7 acres and temporary construction easements of approximately 0.5 acres for the construction and installation of two sanitary sewer force mains and appurtenances as shown on the attached location map.
- The requested sewer easements are generally located north of Wilson Creek approximately 2,000 feet east of SH 5 and just south of Harry McKillop Boulevard.

- The force main routing has considered the future alignment of Spur 399 based on TxDOT planning.
- 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 easements, as determined by an independent appraisal.

#### **BACKGROUND INFORMATION:**

- NTMWD requires this installation to transfer flows from the Wilson Creek basin ultimately to the proposed Sister Grove treatment facility.
- Without these improvements, there is limited capacity in the NTMWD system to serve future McKinney developments in the Wilson Creek basin.
- NTMWD studied different options and outlined the advantages and disadvantages of each alignment.
- Staff has reviewed the options presented by NTMWD and recommends the approval of the proposed alignment and approval of the attached ordinance.
- The selected option minimizes the impact on the Parks property as demonstrated in the attached presentation.
- As this is a closed landfill site, there is minimal impact on the use of the property. Metering stations and air release/odor control systems will be placed partially above-grade in the easement.
- 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 force main sewer easements 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](#)

[Sloan Creek Sewer Presentation 4-1-2022](#)