



CITY OF MCKINNEY, TEXAS

Legislation Details (With Text)

File #: 20-0947 **Name:** NTMWD Easement through Park Property
Type: Ordinance **Status:** Public Hearing
In control: City Council Regular Meeting
On agenda: 10/20/2020 **Final action:**
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 Sanitary Sewer Easement Under and Across Public Land Owned by the City that is Designated as Parkland, Which Parkland is Generally Located South of US 380 Between Airport Boulevard and New Hope Road, for the Construction and Installation of Sanitary Sewer Force Mains for the Mutual Benefit of NTMWD and the Public and Accompanying Ordinance

Indexes:

Attachments: 1. Ordinance, 2. Location Map, 3. Presentation

Date	Ver.	Action By	Action	Result
10/20/2020	1	City Council Regular Meeting	Close the public hearing	Pass
10/20/2020	1	City Council Regular Meeting	Approved	Pass

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 Sanitary Sewer Easement Under and Across Public Land Owned by the City that is Designated as Parkland, Which Parkland is Generally Located South of US 380 Between Airport Boulevard and New Hope Road, 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: October 20, 2020

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:

- The North Texas Municipal Water District has requested that the City allow it to use portions of City designated parkland as a permanent sanitary sewer easement for the construction and installation of two 48" diameter wastewater force mains to pump sewage from the East Fork

pumping station (located east of Airport Drive and north of the Greenville Road) to the proposed treatment plant to be located north of New Hope as shown on the attached location map.

- The requested sewer easements are generally located south of US 380 between Airport Boulevard and New Hope Road on City-owned Park Land.
- 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 studied four options and outlined the feasibility of each option based on route location, impacts to parkland, impact to other properties, schedule impacts, and estimated total acquisition and construction costs.
- A similar request was made by NTMWD on May 2, 2017 for a waterline easement through this same park property, and City Council determined that there was no feasible or prudent alternative to that installation.
- Staff has reviewed the four options presented by NTMWD and recommends the approval of Option 2 and approval of the attached ordinance.
- Option 2 minimizes the impact on the Parks property by having only one surface feature near the East Fork and the shortest run on the property, thus allowing the park to develop as anticipated.
- Parks and Recreation has been included in the discussions and concurs that Option 2 has the least impact on the park property.
- NTMWD has agreed to reimburse the City for the cost of appraisals to determine the fair market value of the water line 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