

RESOLUTION NO. 4144

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO NEGOTIATE AND EXECUTE RIGHT OF WAY AGREEMENTS WITH THE OWNERS OF PROPERTIES LISTED IN EXHIBIT “A” FOR THE DUCK CREEK INTERCEPTOR PHASE 2 AND 3 REPLACEMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Denison, Texas (the “City”) is authorized by section 273.001 of the Texas Local Government Code and Sec. 1.02 of its Code of Ordinances to acquire easements for a public purpose; and

WHEREAS, the property owners listed in Exhibit “A”, attached hereto and incorporated herein for all purposes (collectively, the “Property Owners”) own property within the City; and

WHEREAS, the City is currently working with and intends to work with Property Owners to enter into right of way agreements whereby the City may acquire easements to install sewer utilities as part of the Duck Creek Interceptor Phase 2 and 3 Replacement Project (the “Project”); and

WHEREAS, the City Council of the City of Denison has determined that it is necessary to authorize the Interim City Manager to execute the documents required to obtain the rights of ways, in order to construct, relocate, repair, replace, maintain, and/or reconstruct items that may be needed for the Project.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, THAT:

SECTION 1: Recitals Incorporated. The findings recited above are incorporated as if fully set forth in the body of this Resolution.

SECTION 2: Authorization to Execute. The Interim City Manager of the City is hereby authorized and directed, on behalf of the City Council of the City of Denison, Texas, to negotiate and execute all the easement agreements, and other documents reasonably required and necessary to acquire the right from the Property Owners to construct the Project. The right of way agreements shall be executed, and as finally approved by the Interim City Manager and City Attorney.

SECTION 3: Effective Date. This Resolution shall take effect immediately upon its passage.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Courtright, the above and foregoing Resolution was passed and approved at a Regular Meeting of the City Council of the City of Denison, Texas, on this the 16th day of October 2023.

Ayes: Hander, Courtright, Thorne, Gott, Crawley and Thomas
Nays:
Abstentions:
Absent: Massey



JANET GOTT, Mayor

ATTEST:



Christine Wallentine, City Clerk



EXHIBIT "A"
Property Owners

Parcel No.	CAD ACCOUNT NO:	Owner Name
1	109098	Diane Dossey Wilson and Donna Dossey Evans
2	402740	Benjamin Charles Hogan and Brittany Renee Hogan
3	109114, 109115	NTEX Financial LLC
4 and 4R	109108	BF United Lands, LLC
5	404866	Kert Wayne Turner, Jr. and Leia L. Turner
6	109193	Denise Annette McAlister
7	109714	Sara Nan Grubb, and Sara Nan Grubb, Trustee
8	404867	Kelly A. Thayer and Edward J. Thayer, Trustees of the KET Investment Trust
9	404868, 404869	Charles Michael Creech and Lisa McBroom Creech
10	109706	Ricky Hideo Morimoto and Patricia Tayeko Morimoto, Co-Trustees of the Morimoto Family Trust
11	435536	Leland D. Bush and Darlene Bush
12	109704	Michael Nelson and Cathaleen Nelson