

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS IN SUPPORT OF THE DALLAS AREA RAPID TRANSIT RESOLUTION NO. 230038 RELATED TO RIGHT-OF-WAY REQUIREMENTS FOR THE SILVER LINE PROJECT; PROVIDING FOR AUTHORIZATION TO EXERCISE EMINENT DOMAIN TO ACQUIRE RIGHT-OF-WAY WITHIN THE CORPORATE LIMITS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Dallas Area Rapid Transit (DART) was created to provide a regional public transportation system, and the acquisition of real property and the planning, design, engineering, and construction of improvements thereon are functions fundamental to the provision of a public transportation system; and,

WHEREAS, DART is currently constructing the Silver Line Project rail line through the City of Carrollton (“City”); and,

WHEREAS, on April 18, 2023, the DART Board approved Resolution No. 230038 on subject parcel CB2-037, per the attached *Exhibit A*, declaring a public necessity, establishing just compensation, and authorizing the acquisition of property for the Silver Line Project through eminent domain proceedings, if necessary; and,

WHEREAS, all property acquisition activities related to the Silver Line Project are conducted by DART; and

WHEREAS, after careful review of impacted parcels, the DART Board desires to declare the acquisition of parcels a public necessity, to approve the offer of just compensation for these parcels, and to authorize the President/Executive Director or his designee to proceed with the negotiation and purchase of these parcels, and if necessary, the acquisition of these parcels through eminent domain; and

WHEREAS, the property is necessary and proper for construction of the Silver Line Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose; and

WHEREAS, in order for DART to exercise its power of eminent domain, the City Council of the City of Carrollton, Texas (“City Council”) must authorize such action within the Carrollton city limits; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Carrollton to authorize DART to exercise eminent domain within the City.

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

SECTION 1.

All of the above premises to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified, and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2.

The City Council supports DART Board of Directors, Resolution No. 230038 with legal description for parcel CB2-037, related to the acquisition of right-of-way for the Silver Line Project.

SECTION 3.

The City Council authorizes DART to exercise eminent domain within the corporate limits of the City of Carrollton, Dallas County, Texas for the sole purpose of acquisition of right-of-way for the Silver Line Project as set forth in *Exhibit A*.

SECTION 4.

Any other prior resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

SECTION 5.

Should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

SECTION 6.

This Resolution shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas, on this 21st day of November 2023.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith A. Ladd,
City Attorney

APPROVED AS TO CONTENT:

Jonathan Wheat
Director of Engineering