

RESOLUTION NO. 2019-06-_____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTIES FOR PUBLIC USE BY EMINENT DOMAIN FOR RIGHT-OF-WAY (IN FEE SIMPLE) SLOPE EASEMENTS AND DRAINAGE EASEMENTS ASSOCIATED WITH THE COUNTRY LANE EXTENSION PROJECT FROM ITS INTERSECTION WITH FM 546 TO THE EXISTING CONCRETE PAVEMENT FOR COUNTRY LANE; AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING THE RIGHT-OF-WAY (IN FEE SIMPLE) AND EASEMENTS ON SAID PROPERTIES, AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS

WHEREAS, the City Council of the City of McKinney, Texas, has determined that a public need and necessity exists for the construction of the Country Lane Extension Project, from its intersection with FM 546 to the existing concrete for Country Lane, the location of which is generally set forth in the map attached hereto as Exhibit A; and

WHEREAS, the City Council has considered this project and has determined that a public necessity exists for the acquisition of Right-of-Way (in fee simple), Slope Easements and Drainage Easement, as described on Exhibit B, attached hereto and incorporated herein for all purposes (“Properties”).

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

- 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. That the City Council of the City of McKinney, Texas hereby authorizes the City Manager to execute documents, as needed, to acquire the necessary Properties for the Country Lane Extension Project.
- Section 3. That the City Council hereby finds and determines that a public use and necessity exists for the City of McKinney for the construction of the Country Lane Extension Project and to acquire the necessary Properties in those certain tracts or parcels of land deemed necessary for that construction as identified in the construction plans and specifications as amended, together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land described in Exhibit B.
- Section 4. That the City Manager is authorized and directed to negotiate for and to acquire the required Properties for the City of McKinney, and to acquire said rights in compliance with State and Federal law. That the City

Manager is specifically authorized and directed to do each and every act necessary to acquire the needed Properties including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to designate a qualified appraiser of the Properties to be acquired when such appraisal is necessary and, where necessary, the use of Eminent Domain to condemn the Properties.

Section 5. That the City Manager, or any individual he may so designate, is appointed as negotiator for the acquisition of the Properties and, as such, the City Manager is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the City Council for such purpose. That the City Manager is specifically authorized to establish the just compensation for the acquisition of the Properties. That, if the City Manager or his designee determines that an agreement as to damages or compensation cannot be reached, then the City Attorney or his designee is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the subject Properties, proceedings in eminent domain to acquire the above-stated interest in the Properties.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 4th DAY OF JUNE 2019.

CITY OF MCKINNEY, TEXAS

GEORGE FULLER
Mayor

ATTEST:

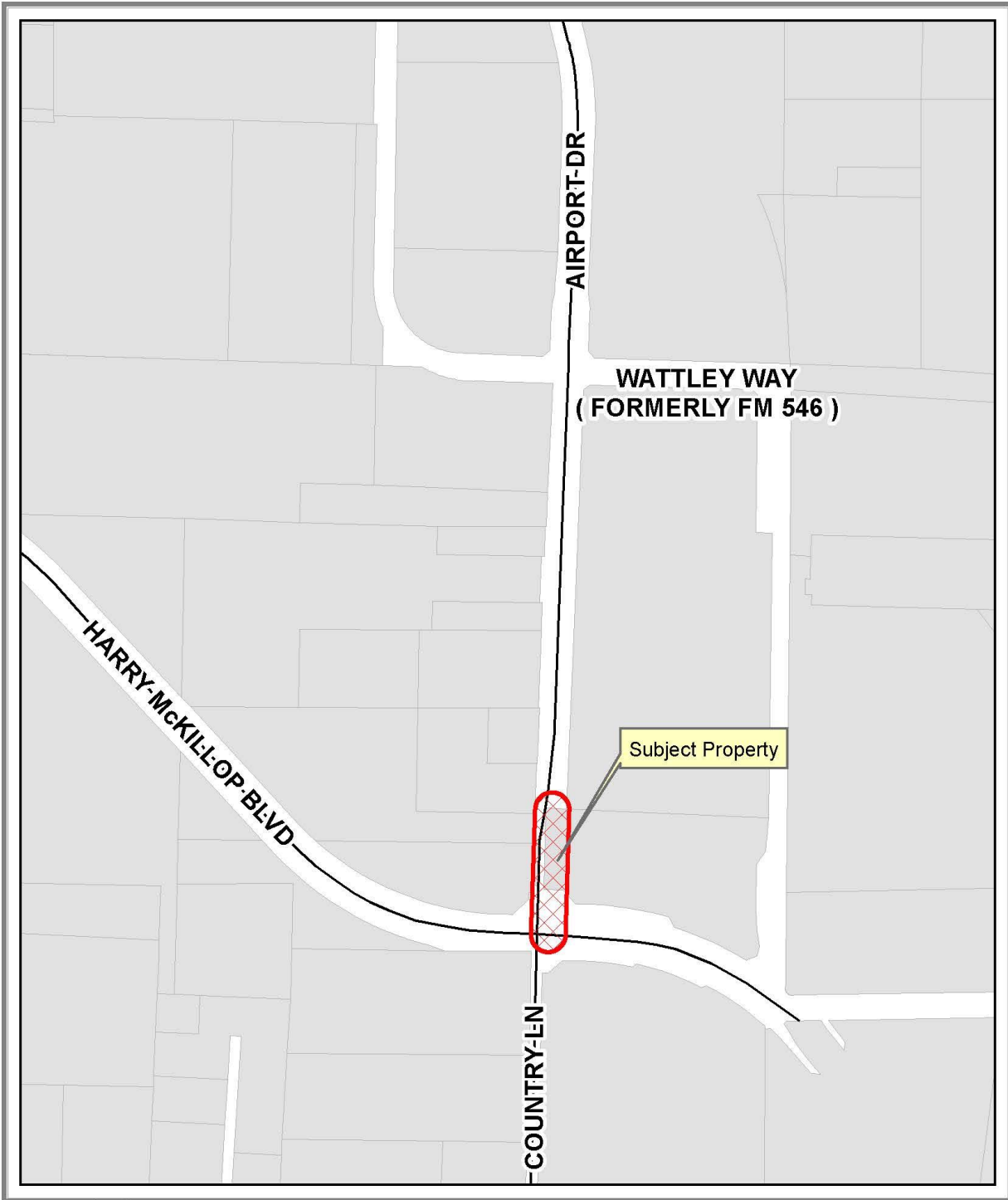
EMPRESS DRANE
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT "A"

Location Map



COUNTRY LANE EXPANSION

Source: City of McKinney GIS
Date: 5/7/2019

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.



EXHIBIT "B"

Depictions and Descriptions of Fee Simple Right of Way, Slope Easement and Drainage Easement on MO & Associate, LLC Property

EXHIBIT "A"
MO & Associate, LLC
Right-of-Way Deed
0.129 Acres or 5,624 Square Feet

Being all that certain lot, tract or parcel of land situated in the Francis T. Daffau Survey, Abstract Number 287, City of McKinney, Collin County, Texas, being part of that certain tract of land described in deed to MO & Associate, LLC recorded in Instrument Number 20171012001364410 of the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a ½" capped iron rod (G&A) set on the north line of said MO & Associate, LLC tract, being the southeast corner of Lot 3, Block A, IESI-McKinney Addition, No. 2, an addition to the City of McKinney according to the plat thereof recorded in Instrument Number 20170905010004220 of the Plat Records of Collin County, Texas, being on the west right-of-way line of Country Lane (variable width R.O.W.);

THENCE S 89°40'58" E, 23.43 feet, along the north line of said MO & Associate tract, to a "PK" nail found at the northeast corner thereof, being in Country Lane;

THENCE S 02°16'19" W, 158.90 feet, in Country Lane and along the east line of said MO & Associate, LLC tract, to a "PK" nail found at an angle point;

THENCE S 01°17'45" W, 26.23 feet, continuing in Country Lane and along said east line, to a ½" capped iron rod (G&A) set at the northeast corner of a State of Texas tract described as Parcel 10 in deed recorded in Instrument Number 20160225000213350 and the northwest corner of another State of Texas tract described as Parcel 12 in Instrument Number 20150929001238130 of the Deed Records of Collin County, Texas;

THENCE N 88°44'32" W, 34.15 feet, along the north line of said State of Texas tract and the south line of said MO & Associate tract to a ½" capped iron rod (G&A) set;

THENCE N 02°16'50" E, 65.76 feet, continuing through said MO & Associate tract, LLC tract, to a ½" capped iron rod (G&A) set at an angle point'

THENCE N 07°11'50" E, 119.61 feet, continuing through said tract, to the POINT OF BEGINNING and containing approximately 0.129 acres or 5,624 square feet of land.

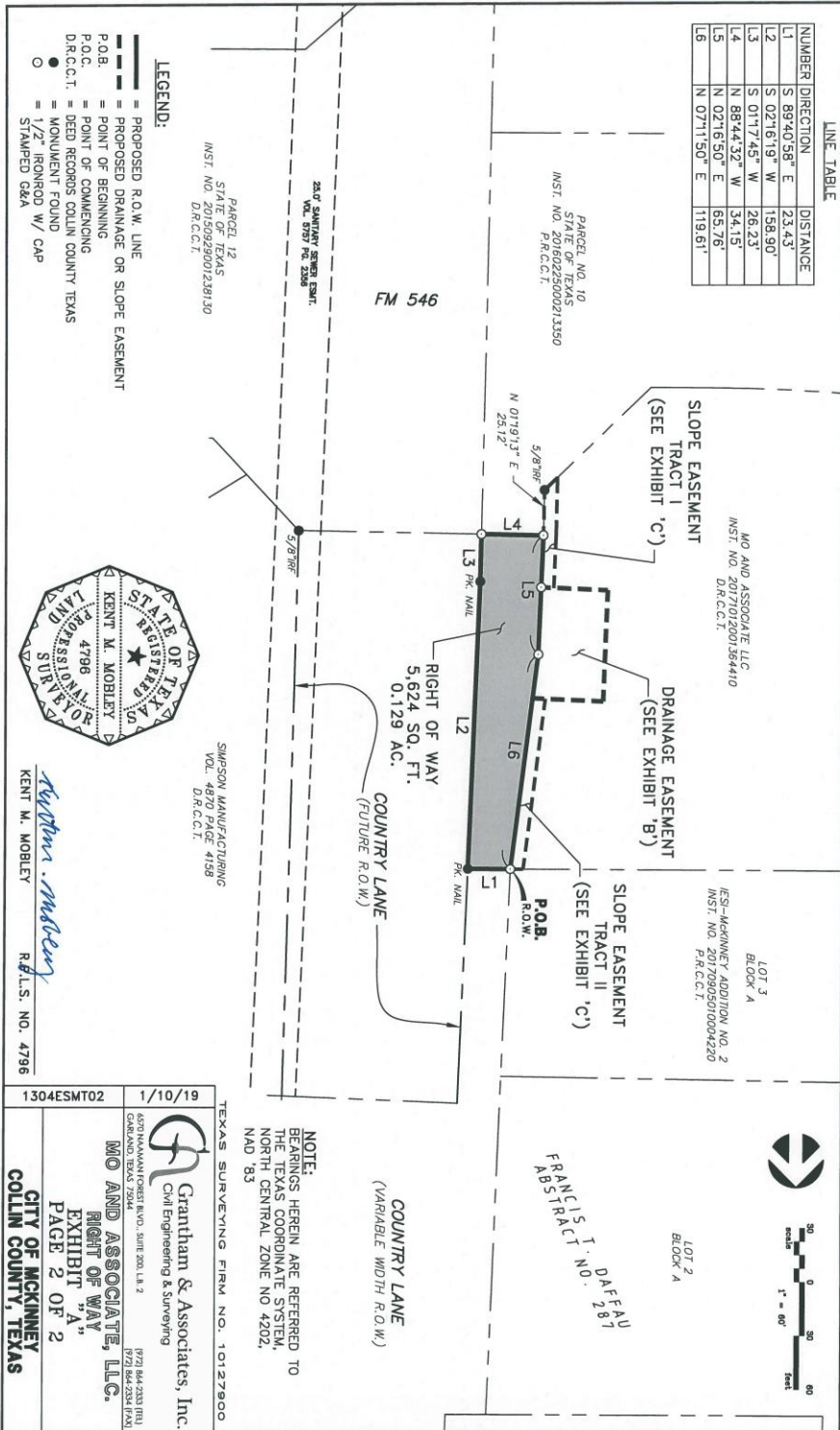
 1-10-19
Kent M. Mobley, RPLS
Texas Registration No. 4796

Grantham & Associates, Inc.
6570 Naaman Forest Blvd., Suite 200, LB 2
Garland, Tx. 75044



NUMBER	DIRECTION	DISTANCE
L1	S 89°40'58" E	23.43
L2	S 02°16'19" W	158.90
L3	S 01°17'45" W	26.23
L4	N 88°44'32" W	34.15
L5	N 02°16'50" E	65.76
L6	N 07°11'50" E	119.61

LINE TABLE



LEGEND:
 --- PROPOSED R.O.W. LINE
 --- PROPOSED DRAINAGE OR SLOPE EASEMENT
 P.O.B. = POINT OF BEGINNING
 P.C.C.T. = DEED RECORDS COLLIN COUNTY TEXAS
 ● = MONUMENT FOUND
 ○ = 1/2" IRON ROD W/ CAP
 ○ = STAMPED G&A



Kent M. Mobley
 Kent M. Mobley R.S. NO. 4796

1304ESMT02 1/10/19
MO AND ASSOCIATE, LLC.
 RIGHT OF WAY
 EXHIBIT "A"
 PAGE 2 OF 2
CITY OF MCKINNEY
COLLIN COUNTY, TEXAS

GR Grantham & Associates, Inc.
 Civil Engineering & Surveying
 6307 N. MAMMOTH TRAIL, SUITE 200, L.B. 2
 COLLEEN, TEXAS 77834
 (972) 844-2333 (TEL)
 (972) 844-2334 (FAX)

NOTE:
 BEARINGS HEREIN ARE REFERRED TO
 THE TEXAS COORDINATE SYSTEM,
 NORTH CENTRAL ZONE NO 4202,
 NAD 83

TEXAS SURVEYING FIRM NO. 101227800
 COUNTRY LANE
 (VARIABLE WIDTH R.O.W.)

FRANCIS I. NO. 281
 DAFFAU
 BLOCK A

LOT 3
 BLOCK A
 MCKINNEY ADDITION NO. 2
 INST. NO. 20170905010004220
 P.R.C.C.T.

NO AND ASSOCIATE, LLC
 INST. NO. 2017020201364410
 D.R.C.C.T.

DRAINAGE EASEMENT
 (SEE EXHIBIT "B")

SLOPE EASEMENT
 TRACT I
 (SEE EXHIBIT "C")

RIGHT OF WAY
 5,624 SQ. FT.
 0.129 AC.
 COUNTRY LANE
 (FUTURE R.O.W.)

PARCEL NO. 10
 STATE OF TEXAS
 INST. NO. 20160225000213350
 P.R.C.C.T.

PARCEL 12
 STATE OF TEXAS
 INST. NO. 20160225000213350
 D.R.C.C.T.

340' SHARPER SURVEY
 VOL. 9797 PG. 2048

FM 546

1/2" R/W

5/8" R/W

PK. WALL

EXHIBIT "A"
Metes and Bounds Description
Slope Easement
MO and Associate, LLC
Tract I
0.009 Acres or 403 Square Feet

Being all that certain lot, tract or parcel of land situated in the Francis T. Daffau Survey, Abstract Number 287, City of McKinney, Collin County, Texas, being part of that certain tract of land described in deed to MO & Associate, LLC recorded in Instrument Number 20171012001364410 of the Deed Records of Collin, County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found at a southeast corner of said MO and Associate, LLC tract, being an angle point corner in the northerly line of a tract of land for FM 546 right-of-way described as Parcel No. 10 in deed to the State of Texas recorded in Instrument Number 20160225000213350 of the Deed Records of Collin County, Texas;

THENCE S 45°54'48" W, 9.97 feet, along the southeast line of said MO and Associate, LLC tract and the northerly line of said State of Texas tract;

THENCE N 01°19'13" E, 32.28 feet, over and across said MO and Associate, LLC tract, to an angle point;

THENCE N 02°16'50" E, 28.88 feet, continuing through said tract, to a point on the south line of a Drainage Easement;

THENCE S 87°26'14" E, 7.00 feet, along the south line of said Drainage Easement and through said tract, to a ½" capped iron rod (G&A) set on the west line of a Right-of-Way Dedication for Country Lane;

THENCE S 02°16'50" W, 28.79 feet, along the west line of said Right-of-Way Dedication, to a ½" capped iron rod (G&A) set at a northerly corner of said State of Texas Parcel 10;

THENCE S 01°19'13" W, 25.12 feet, along a northerly east line of said State of Texas tract, to the POINT OF BEGINNING and containing approximately 0.009 acres or 403 square feet of land.

Tract II
0.015 Acres or 665 Square Feet

Being all that certain lot, tract or parcel of land situated in the Francis T. Daffau Survey, Abstract Number 287, City of McKinney, Collin County, Texas, being part of that certain tract of land described in deed to MO & Associate, LLC recorded in Instrument Number 20171012001364410 of the Deed Records of Collin, County, Texas, and being more particularly described as follows:

BEGINNING at a ½" capped iron rod (G&A) set on the north line of said MO and Associate, LLC tract, being the northwest corner of a Right-of-Way Dedication for Country lane by separate instrument, and being the southeast corner of Lot 3, Block A, IESI-McKinney Addition No. 2, an addition to the City of McKinney according to the plat thereof recorded in Instrument Number 20170905010004220 of the Plat Records of Collin County, Texas;

THENCE S 07°11'50" W, 95.17 feet, along the west line of said Right-of-Way

Dedication and over and across said MO and Associate, LLC tract, to the northeast corner of a Drainage Easement;

THENCE N 87°26'14" W, 7.02 feet, continuing through said MO and Associate, LLC tract and along the north line of said Drainage Easement;

THENCE N 07°11'50" E, 94.89 feet, continuing through said tract, to a point on the north line thereof and the south line of said Lot 3, Block A, IESI-McKinney Addition No. 2;

THENCE S 89°40'58" E, 7.00 feet, along said line, to the POINT OF BEGINNING and containing approximately 0.015 acres or 665 square feet of land.

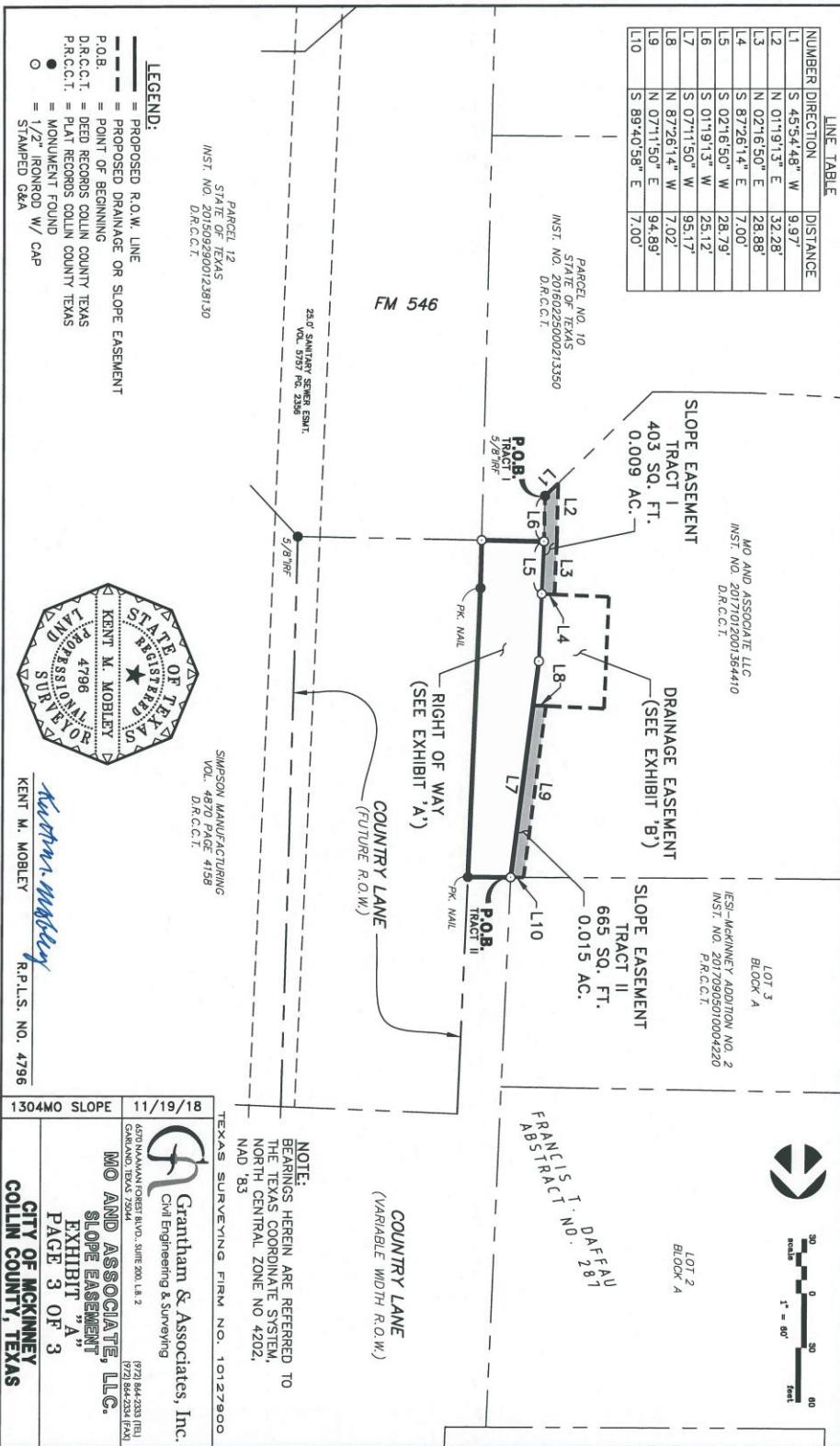
Kent M. Mobley 11-19-18
Kent M. Mobley, RPLS
Texas Registration No. 4796



Grantham & Associates, Inc.
6570 Naaman Forest Blvd., Suite 200, LB 2
Garland, Tx. 75044

NUMBER	DIRECTION	DISTANCE
L1	S 45°44'48" W	9.97'
L2	N 01°19'13" E	32.28'
L3	N 02°16'50" E	28.88'
L4	S 87°26'14" E	7.00'
L5	S 02°16'50" W	28.79'
L6	S 01°19'13" W	25.12'
L7	S 07°11'50" W	95.17'
L8	N 07°11'50" E	7.02'
L9	N 07°11'50" E	94.89'
L10	S 89°40'58" E	7.00'

LINE TABLE



LEGEND:
 --- PROPOSED R.O.W. LINE
 --- PROPOSED DRAINAGE OR SLOPE EASEMENT
 P.O.B. = POINT OF BEGINNING
 D.R.C.C.T. = DEED RECORDS COLLIN COUNTY TEXAS
 P.R.C.C.T. = PLAT RECORDS COLLIN COUNTY TEXAS
 ○ = MONUMENT FOUND
 ● = 1/2" IRONROD W/ CAP
 ○ = STAMPED ORA



Kent M. Mobley
 R.P.L.S. NO. 4796

1304MO SLOPE 11/19/18

MO AND ASSOCIATE, LLC.
 SLOPE EASEMENT EXHIBIT "A"
 PAGE 3 OF 3

CITY OF MCKINNEY COLLIN COUNTY, TEXAS

Gratham & Associates, Inc.
 Civil Engineering & Surveying
 10701 Pk. 2083 (TX)
 GARLAND, TEXAS 75044
 (972) 864-2324 (FAX)

NOTE: BEARINGS HEREIN ARE REFERRED TO THE TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE NO 4202, NAD '83

TEXAS SURVEYING FIRM NO. 10127900

EXHIBIT "A"
MO & Associate, LLC
Drainage Easement
0.052 Acres or 2,284 Square Feet

Being all that certain lot, tract or parcel of land situated in the Francis T. Daffau Survey, Abstract Number 287, City of McKinney, Collin County, Texas, being part of that certain tract of land described in deed to MO & Associate, LLC recorded in Instrument Number 20171012001364410 of the Deed Records of Collin, County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8" iron rod found at an angle point in the easterly line of that certain tract of land described in deed to the State of Texas recorded in Instrument Number 20160225000213350 of the Deed Records of Collin County, Texas;

THENCE N 01°19'13" E, 25.12 feet, through said MO & Associate, LLC tract, to a ½" capped iron rod (G&A) set at an angle point, being the southwest corner of a Right-of-Way Dedication for Country Lane (see Exhibit A);

THENCE N 02°16'50" E, 28.79 feet, continuing through said tract, and along the west line of said Right-of-way Dedication, to a ½" capped iron rod (G&A) set at the POINT OF BEGINNING;

THENCE N 87°26'14" W, 36.82 feet, through said MO & Associate, LLC tract;

THENCE N 02°16'50" E, 61.33 feet, continuing through said tract;

THENCE S 87°26'14" E, 38.92 feet, continuing through said tract;

THENCE S 07°11'50" W, 24.44 feet, continuing through said tract, to a ½" capped iron rod (G&A) set at an angle point on the west line of said Right-of-Way Dedication

THENCE S 02°16'50" W, 36.97 feet, continuing through said tract, to the POINT OF BEGINNING and containing approximately 0.052 acres or 2,284 square feet of land.

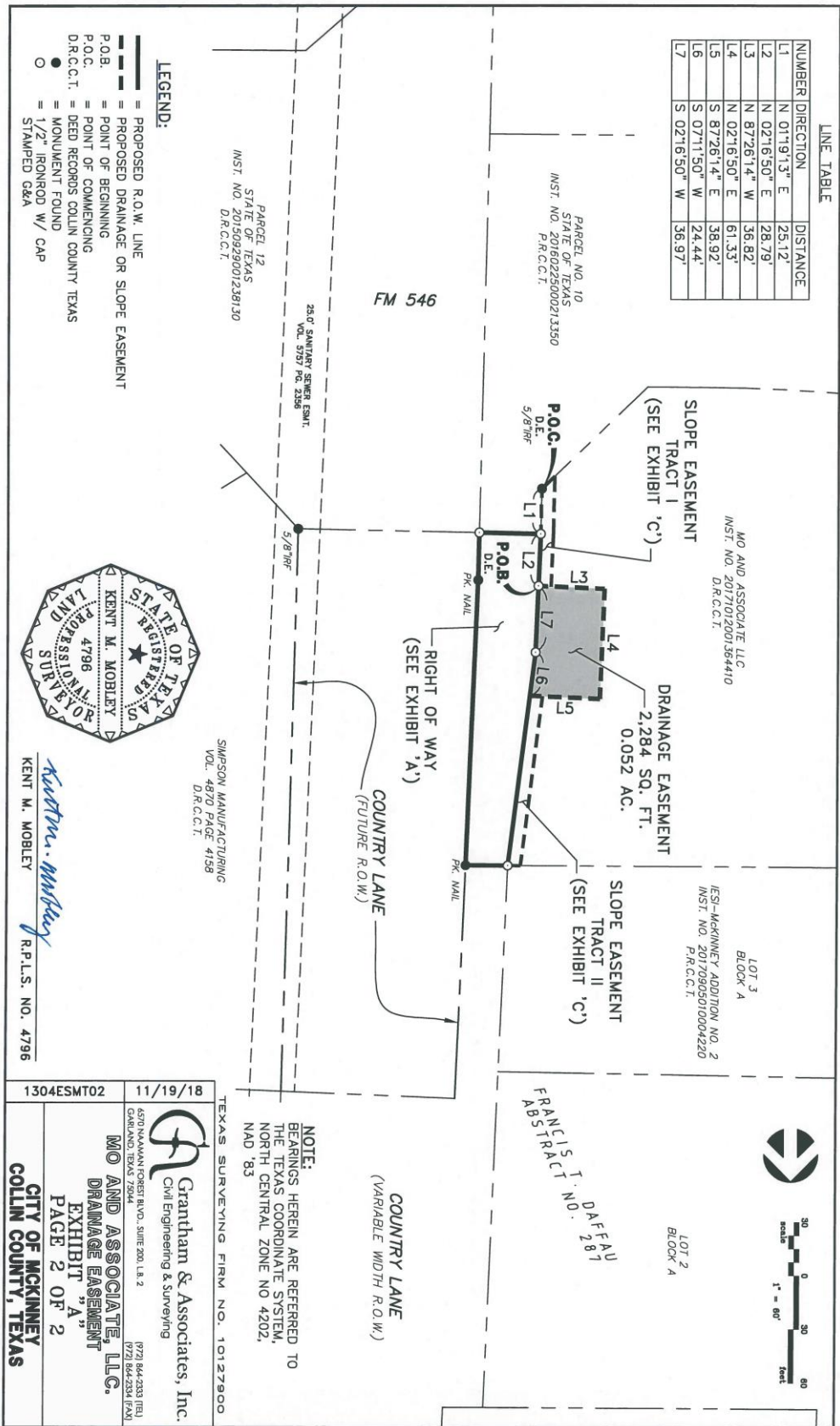
 11-17-18
Kent M. Mobley, RPLS
Texas Registration No. 4796



Grantham & Associates, Inc.
6570 Naaman Forest Blvd., Suite 200, LB 2
Garland, Tx. 75044

NUMBER	DIRECTION	DISTANCE
L1	N 01°19'13" E	25.12'
L2	N 02°16'50" E	28.79'
L3	N 87°26'14" W	36.82'
L4	N 02°16'50" E	61.33'
L5	S 87°26'14" E	38.92'
L6	S 07°11'50" W	24.44'
L7	S 02°16'50" W	36.97'

LINE TABLE



- LEGEND:**
- = PROPOSED R.O.W. LINE
 - - - = PROPOSED DRAINAGE OR SLOPE EASEMENT
 - = POINT OF BEGINNING
 - = POINT OF COMMENCING
 - = DEED RECORDS COLLIN COUNTY TEXAS
 - = MONUMENT FOUND
 - = 1/2" IRON ROD W/ CAP
 - = STAMPED G&A



Kent M. Mobley
 Kent M. Mobley
 R.P.L.S. NO. 4796

