

RESOLUTION NO. 2020-09-_____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTIES (IN FEE SIMPLE) FOR PUBLIC USE BY EMINENT DOMAIN ASSOCIATED WITH THE EAST LOUISIANA PUBLIC PARKING PROJECT AND SAID CERTAIN PROPERTIES ARE LEGALLY KNOWN AS LOTS 1, 2A, 2C & 3 OF THE ANDREWS ADDITION AND LOT/OUTLOTS 1A AND 1B OF THE GEORGE A WILSON ADDITION, AN ADDITION TO THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS GENERALLY LOCATED BETWEEN EAST LOUISIANA STREET AND ANTHONY STREET; AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING THE PROPERTIES (IN FEE SIMPLE), 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 East Louisiana Public Parking Project ("Project"), generally located to the East of Highway 5 between East Louisiana Street and Anthony Street. The properties associated with the Project are generally set forth on 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 the properties (in fee simple), as described on Exhibit B, attached hereto and incorporated herein for all purposes ("Property").

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 Property for the East Louisiana Public Parking 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 East Louisiana Public Parking Project and to acquire the Property deemed necessary for the project, together with all necessary appurtenances, additions and improvements on, over, under, and through that certain lots tract or parcel of land described in Exhibit B.
- Section 4. That the City Manager is authorized and directed to negotiate for and to acquire the required Property 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 Property 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 Property to be acquired when such appraisal is necessary and, where necessary, the use of Eminent Domain to condemn the Property.

Section 5. That the City Manager, or any individual he may so designate, is appointed as negotiator for the acquisition of the Property 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 Property. 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 Property, proceedings in eminent domain to acquire the above-stated interest in the Property.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 1st DAY OF SEPTEMBER 2020.

CITY OF MCKINNEY, TEXAS:

GEORGE C. FULLER
Mayor

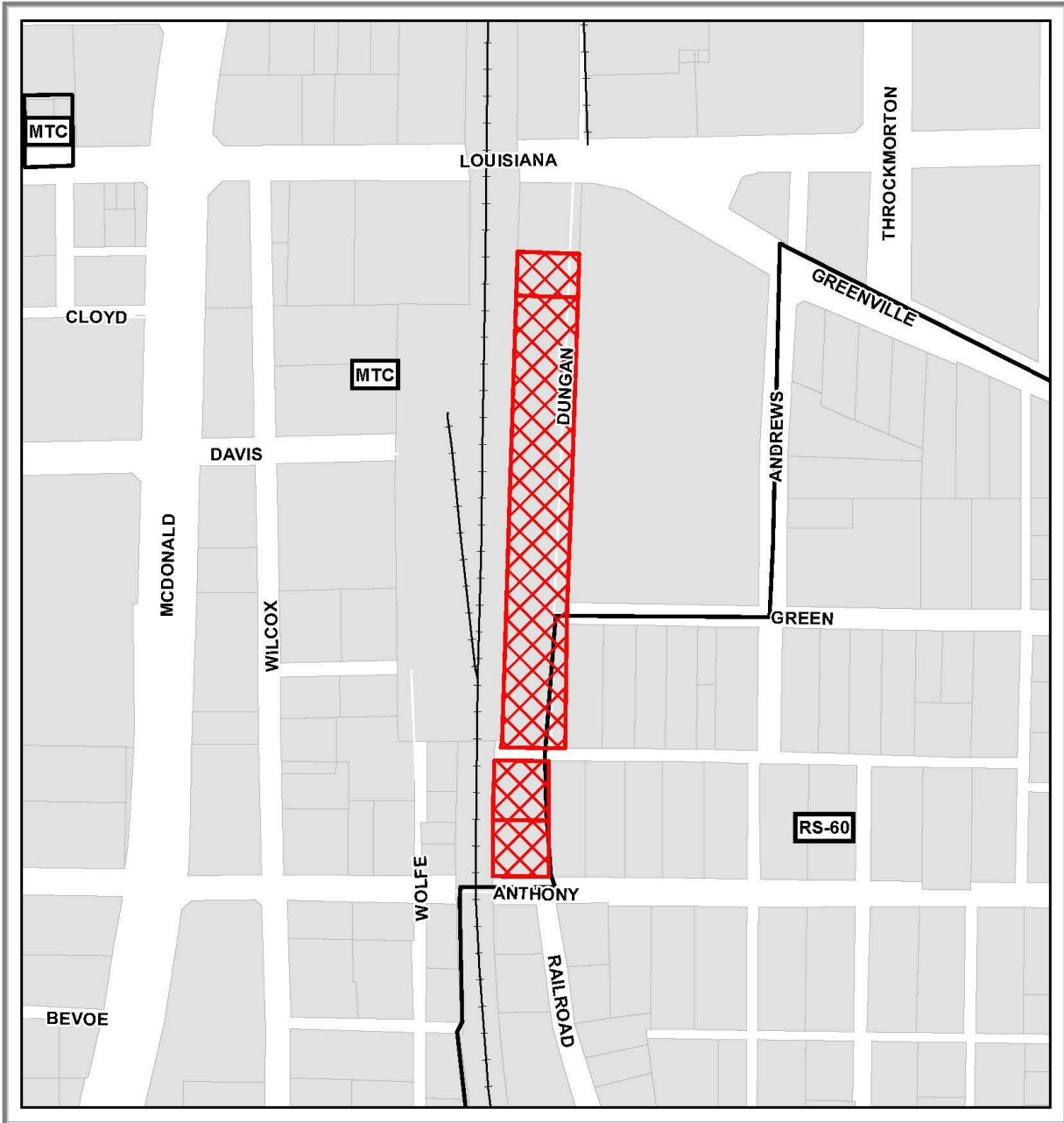
ATTEST:

EMPRESS DRANE
City Secretary

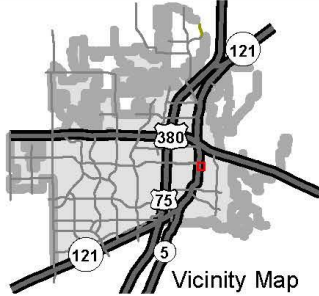
APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

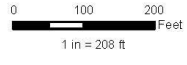
EXHIBIT "A" Location Map



Document Path: C:\Users\jcamorra\Desktop\Arc\Projects\400 E Louisiana.mxd



East Louisiana Public Parking Project



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.

Source: City of McKinney GIS
Date: 8/25/2020



EXHIBIT "B"

Metes and Bounds

Property Owner McKinney Mobile Park, LLC

Exhibit A

TRACT I

BEING a portion of a tract of land located at 400 East Louisiana Street in the Wm. Davis Survey (Abstract No. 248), in McKinney Texas, as described as follows:

BEGINNING at a point 2 1/2 feet south of the southeast corner of a concrete tile building and extending west parallel to the south side of said building to the west boundary of said tract of land to a chain link fence being approximately 54 feet from the place of beginning;

THENCE South 71 feet to the north boundary of a tract owned by Frank and Cecelia Gilbert;

THENCE East 100 feet to a point in the east boundary of said tract;

THENCE North 71 feet to a point in the northeast corner of said tract;

THENCE West 46 feet to the point of beginning, along with a right of way north to Louisiana Street;

Being the same property conveyed by Warranty Deed from W.T. Dungan and wife, Lena Pearl Dungan, to Frank Gilbert and wife, Melba Cecelia Gilbert, recorded in Volume 3380, Page 231, Land Records of Collin County, Texas.

TRACT II - FIRST TRACT

SITUATED in Collin County, Texas, in the William Davis Survey, and being off the north portion of 4.63 acres described as Parcel Two in a deed from the Louisiana and Arkansas Railway Company to Add G. Wilson, Sr. dated 12/10/1941, and recorded in Volume 334, Page 446, Collin County Deed Records, and being shown on Map BB at Page 153, Volume 1 of the Map and Plat Records of Collin County, Texas;

BEGINNING 193 feet south of the northeast corner of said 4.63 acres which is at a stake in the south edge of East Louisiana Street; at an iron pin on the east line of said tract;

THENCE South 298 feet more or less, with the east line of said 4.63 acres which is also the east line of 2.17 acres described as Parcel Nine in said Parcel Two of said deed, to a stake under fence at the northeast corner of a lot 100x200 feet described in a deed from Add G. Wilson and wife to J.F. Summers, dated 12/2/1942, and recorded in Volume 337, Page 592, Collin County Deed Records;

Exhibit A

THENCE West 100 feet with the north line of said Summers Lot to its northwest corner a stake in the west line of said 2.17 acres;

THENCE North 298 feet, more or less, with the west line of said 2.17 acres to a tree in west line of said tract;

THENCE East 100 feet, more or less, to the place of beginning, being a part of the same land conveyed by Add G. Wilson and wife, Pearl W. Wilson to W.T. Dungan, by Special Warranty Deed dated 2/13/1943, and recorded 2/13/1943, and recorded in Volume 338, Page 515, Collin County Deed Records.

TRACT II - SECOND TRACT

SITUATED in Collin County, Texas, in the William Davis Survey, and the City of McKinney, and being out of the middle portion of 2.17 acres that is a part of Parcel 2 described in a Quit Claim Deed dated 12/10/1941, executed by the Louisiana & Arkansas Railway Company to Add G. Wilson, and recorded in Volume 334, Page 446, Collin County Deed Records, said Parcel 2 being shown on Map BB at Page 153, Volume 1, Map and Plat Records of Collin County, Texas;

BEGINNING at a stake in the north line of Green Street, and in the east line of the 2.17 acres that is a part of Parcel No. 2;

THENCE North 200 feet with the east line of said 2.17 acres to a stake;

THENCE West 100 feet to a stake in the west line of Parcel No. 2;

THENCE South 200 feet to a stake in the west line of Parcel No. 2;

THENCE East 100 feet to the place of beginning, and being a lot 100 feet wide east and west by 200 feet long north and south;

BEING the same lot as conveyed by Quit Claim Deed executed by Add G. Wilson and wife Pearl Waters Wilson, to J.F. Summers, dated 12/2/1942, and of record in Volume 337, Page 592, Collin County Deed Records, and Being the same land conveyed by J.F. Summers and wife, Fannie Summers, to W.T. Dungan by Quit Claim Deed dated 10/18/1944, and recorded in Volume 347, Page 540, Collin County Deed Records. This being the same tract conveyed to D.H and W.H. Dungan by W.T. Dungan by deed dated 9/27/1962 and recorded in Volume 605, Page 311, Deed Records of Collin County, Texas.

Exhibit A

TRACT II - THIRD TRACT

SITUATED in the City of McKinney, Collin County, Texas, in the Mary Standifer Survey, and being a part of 4.63 acres of land described as Parcel No. Two in a deed from Louisiana & Arkansas Railway Company to Add G. Wilson dated 12/10/1941, and recorded in Volume 334, Page 446, of the Deed Records of Collin County, Texas, being the same property described in a deed from Myrtle Samples West, a widow, to M.D. West, Jr., et al, dated 3/31/1956, and recorded in Volume 513, Page 588, Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at a stake in the south edge of Green Street in one of the east lines of said 4.63 acres, which is the east line of the right of way of the L & A Railway Company, said beginning stake being 40 feet south of the southeast corner of a lot conveyed by Add G. Wilson et ux to J.F. Summers by deed dated 12/3/1942, and of record in Volume 337, Page 592 of the Deed Records of Collin County, Texas;

THENCE South 210 feet, more or less, to the most northerly southeast corner of said 4.63 acres, a stake in the north line of the Mary Standifer Survey, which is also the south line of the William Davis Survey;

THENCE West 41 feet with said survey line to a stake;

THENCE Southeasterly parallel to and 50 feet easterly from the centerline of said L & A Railway Company right of way, 100 feet more or less to a stake at the northeast corner of a tract of land conveyed by M.D. West, Jr., et al, to Myrtle Samples West by deed dated 3/31/1956, and recorded in Volume 513, Page 592 of the Deed Records of Collin County, Texas;

THENCE West along the north line of said tract conveyed to Myrtle Samples West, 90 feet more or less to a stake in the east line of the right of way of the H.T. & C. Railway Company;

THENCE North coincident with the H.T. & C. Railway Company easterly right of way line, 100 feet more or less to a point in the north line of said Standifer Survey;

THENCE East coincident with said north line of said Standifer Survey 30 feet to a point 9 feet west from as measured perpendicular to said center line of L & A Railway Company main track at valuation station 1622/07;

THENCE North parallel to and 9 feet westerly from said center line 200 feet more or less to a stake in the south line of Green Street, if extended westerly, said stake being 40 feet south of the southwest corner of said Summers lot;

Exhibit A

THENCE East 100 feet with the south line of said Green Street to the Place of Beginning, and being the same property described as Tract No. Three or Third Tract in the above mentioned deed from Myrtle Samples West, a widow, to M.D. West, Jr., et al. This being the same tract deeded to W.T. Dungan by Joseph Vincent Edmonds dated 8/20/1965 and recorded in Volume 660, Page 166 of the Deed Records of Collin County, Texas.

TRACT II - FOURTH TRACT

SITUATED in Collin County, Texas and being in the Wm. Davis Survey, Abstract No. 248 and being a part of 4.63 acres described as Parcel No. 2 in a deed from L & A Railway Co. to Add G. Wilson, Sr., dated 12/10/1941 and recorded in Volume 334, Page 446, Collin County Deed Records;

BEGINNING at a stake 690 feet south of the northeast corner of said 4.63 acres;

THENCE West 100 feet to a stake in the west line of said 4.63 acres;

THENCE South 40 feet to a stake;

THENCE East 100 feet to a stake in the east line of said 4.63 acres;

THENCE North 40 feet to the Place of Beginning and being the same tract deeded to W.T. Dungan by Add G. Wilson, Sr. dated 10/1/1968 and recorded in Volume 718, Page 667 Deed Records of Collin County, Texas.

TRACT III

SITUATED in the City of McKinney, Collin County, Texas, in the Mary Standifer Survey, being 60 feet wide off the west side of Block 22 of the G.A. Wilson Addition;

BEGINNING at the southwest corner of said Block 22 to a stake in the east line M.K. & T. Railroad and in the north line of Anthony Street;

THENCE North about 2 degrees West with said railroad 198 feet to the northwest corner of Block 22 to a stake in the north line of the Standifer Survey;

THENCE East with the north line of Block 22 to a stake;

THENCE South about 2 degrees East 198 feet to a stake in the north line of Anthony Street;

Exhibit A

THENCE West with said street 60 feet to the Place of Beginning;
BEING the same property conveyed by Lee Elliott, et ux, to R.E. Dunlap by deed recorded in Volume 347, Page 435, of the Deed Records of Collin County, Texas, and the same property conveyed by George E. McCally, Individually and as Independent Executor of the Estate of Lula E. Dunlap, Deceased, to Frank W. Gilbert, by Warranty Deed recorded in Volume 1189, Page 484, of the Land Records of Collin County, Texas.

Tract IV:

SITUATED in the City of McKinney, Collin County, Texas, in the MARY STANDIFER SURVEY, Abst. 811, and being a tract off the south end or portion of a tract of land conveyed by Add G. Wilson, Sr. and wife, Pearl Wilson, to M. D. West by deed dated March 30, 1943, and recorded in Volume 338, page 598 of the Deed Records of Collin County, Texas;

BEGINNING at a stake in the north line of Anthony Street, said beginning point being the most southerly southwest corner of the tract conveyed to M. D. West by Add G. Wilson et ux;

THENCE WEST along the north line of Anthony Street and the most southerly south line of said tract conveyed by Wilson to M. D. West 90 feet more or less to a stake in the east right of way line of the H. & T. C. Railroad Company, said stake also being in the southwest corner of the tract conveyed by Wilson to M. D. West;

THENCE Northerly along the east right of way line of the said H. & T. C. Railroad Company and the west line of the tract conveyed by Wilson to M. D. West 100 feet to a point in said right of way line and west line for corner;

THENCE EAST parallel to the north line of Anthony Street 90 feet, more or less, to a point in the east line of the tract conveyed by Wilson to M. D. West, said point being 100 feet north of the place of beginning;

THENCE SOUTH along said east line 100 feet to the PLACE OF BEGINNING, and being 100 feet of the south end of the tract so conveyed by Wilson to M. D. West referred to above.

TRACT V

SITUATED in Collin County, Texas, and in the City of McKinney, and being out of Block No. Three (3) of the Andrews Addition to the City of McKinney, as shown on the map of said addition of record in Volume 116, Page 218, Collin County Deed Records, and;

BEGINNING at the northwest corner of said Block No. Three (3), a stake in the south line of Green Street;

THENCE East 53 feet with the north line of said Block No. Three (3) to a stake therein;

THENCE South 210 feet, parallel with the west line of said Block No. Three (3) to a stake;

Exhibit A

THENCE West 53 feet to a stake;

THENCE North 210 feet to the Place of Beginning, and being off the west portion of said Block No. Three (3) that was allotted to Joe Enloe in a partition deed from J.R. Creason et al filed 2/19/1954, and recorded in Volume 481, Pages 60-68, Collin County Deed Records.

Filed and Recorded
Official Public Records
Brenda Taylor, County Clerk
Collin County, TEXAS
10/25/2006 10:26:40 AM
\$44.00 TFOSTER
20061025001532750



Brenda Taylor