

RESOLUTION NO. 2024-08-_____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE PROPERTY EASEMENT RIGHTS FOR PUBLIC USE BY EMINENT DOMAIN FOR A WATER LINE EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ASSOCIATED WITH THE SH 5 UTILITY RELOCATION PROJECT (WA1633 & WW1633); AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING SAID EASEMENTS, AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS

WHEREAS, the City Council of the City of McKinney, Texas, has determined that a public need and necessity exists for the construction of the SH 5 Utility Relocation Project (WA1633 & WW1633), with the location of these necessary easements generally set forth in the map attached hereto as Exhibit B; and

WHEREAS, the City Council has considered this project and has determined that a public necessity exists for the acquisition of a Water Line Easement and a Temporary Construction Easement, as described and depicted in Exhibit A, Tract I and Exhibit A, Tract II, 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 SH 5 Utility Relocation Project (WA1633 & WW1633).
- 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 SH 5 Utility Relocation Project (WA1633 & WW1633), and to acquire the necessary Property 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 and depicted in Exhibit A, Tract I and Exhibit A, Tract II.

Section 4. That the City Manager, or any individual he may so designate, 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, or any individual he may so designate, 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 engage a qualified appraiser of the Property to be acquired when such appraisal is necessary, authorize and pay appraisal and litigation expenses incurred through a condemnation process, 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 20th DAY OF AUGUST, 2024.

CITY OF MCKINNEY, TEXAS:

GEORGE C. FULLER, Mayor
GERÉ FELTUS, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

EMPRESS DRANE
City Secretary
TENITRUS BETHEL
Deputy City Secretary

MARK S. HOUSER
City Attorney

**EXHIBIT A, TRACT I
VARIABLE WIDTH WATER EASEMENT - P77
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS**

Being a tract of land, situated in the William Davis Survey, Abstract No. 248, in the City of McKinney, Collin County, Texas, and being a part of that tract of land, described by deed to Bastian Fuel, LLC, as recorded under Document No. 20120112000037050, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said tract being more particularly described as follows:

BEGINNING at a point for corner, in a corner clip, at the intersection of the southwesterly monumented line of E. University Drive (U.S. Highway No. 380) and the northeasterly monumented line of McDonald Street, same being in the northwesterly line of said Bastian Fuel, LLC tract, from which a 1/2" iron rod found for the most northerly corner of said Bastian Fuel, LLC tract, bears, North 53°27'04" East, a distance of 16.41';

THENCE over and across said Bastian Fuel, LLC tract, the following (2) two courses and distances:

1. South 72°04'04" East, a distance of 27.67' to a point for corner;

2. South 56°17'45" East, a distance of 126.16' to a point for corner in the northerly east line of said Bastian Fuel, LLC tract, same being the in the northwesterly line of Lot 1R, Block A, of **HISUN MOTORS USA**, an addition to the City of McKinney, as recorded in Volume 2017, Page 11, O.P.R.C.C.T., from which a 1/2" iron rod with a plastic cap stamped "RPLS 4701" found bears, North 54°41'15" East, a distance of 7.85';

THENCE South 54°41'15" West, along the common line between said Bastian Fuel, LLC tract and Lot 1R, a distance of 16.08' to a point for corner;

THENCE over and across said Bastian Fuel, LLC tract, the following (4) four courses and distances:

1. North 56°17'18" West, a distance of 118.33' to a point for corner;

2. North 72°04'04" West, a distance of 17.86' to a point for corner;

3. South 53°27'04" West, a distance of 90.79' to a point for corner;

4. South 09°22'29" East, a distance of 227.97' to a point for corner in the southeasterly line of said Bastian Fuel, LLC tract, same being the northwesterly line of a tract of land, described by deed to Meeks Unlimited, LLC, as recorded under Document No. 20160112000039340, O.P.R.C.C.T.;

THENCE South 80°50'13" West, along last said common line, a distance of 15.00' to a point for corner;

THENCE North 09°22'29" West, over and across said Bastian Fuel, LLC tract, a distance of 237.08' to a point for corner, being in a corner clip, at the aforementioned intersection of McDonald Street and E. University Drive;

THENCE North 53°27'04" East, along said corner clip, a distance of 107.66' to the **POINT OF BEGINNING** and containing 7,152 square feet or 0.164 acres of land, more or less.

ABBREVIATIONS

I.R.F. = Iron Rod Found

(R.M.) = Reference Monument

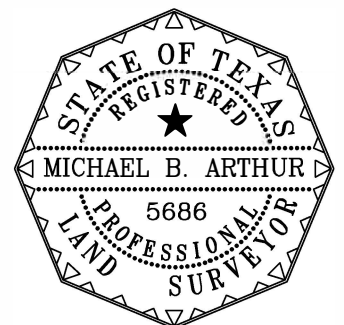
C.I.R.F. = Capped Iron Rod Found


M.R.C.C.T. = Map Records, Collin County, Texas

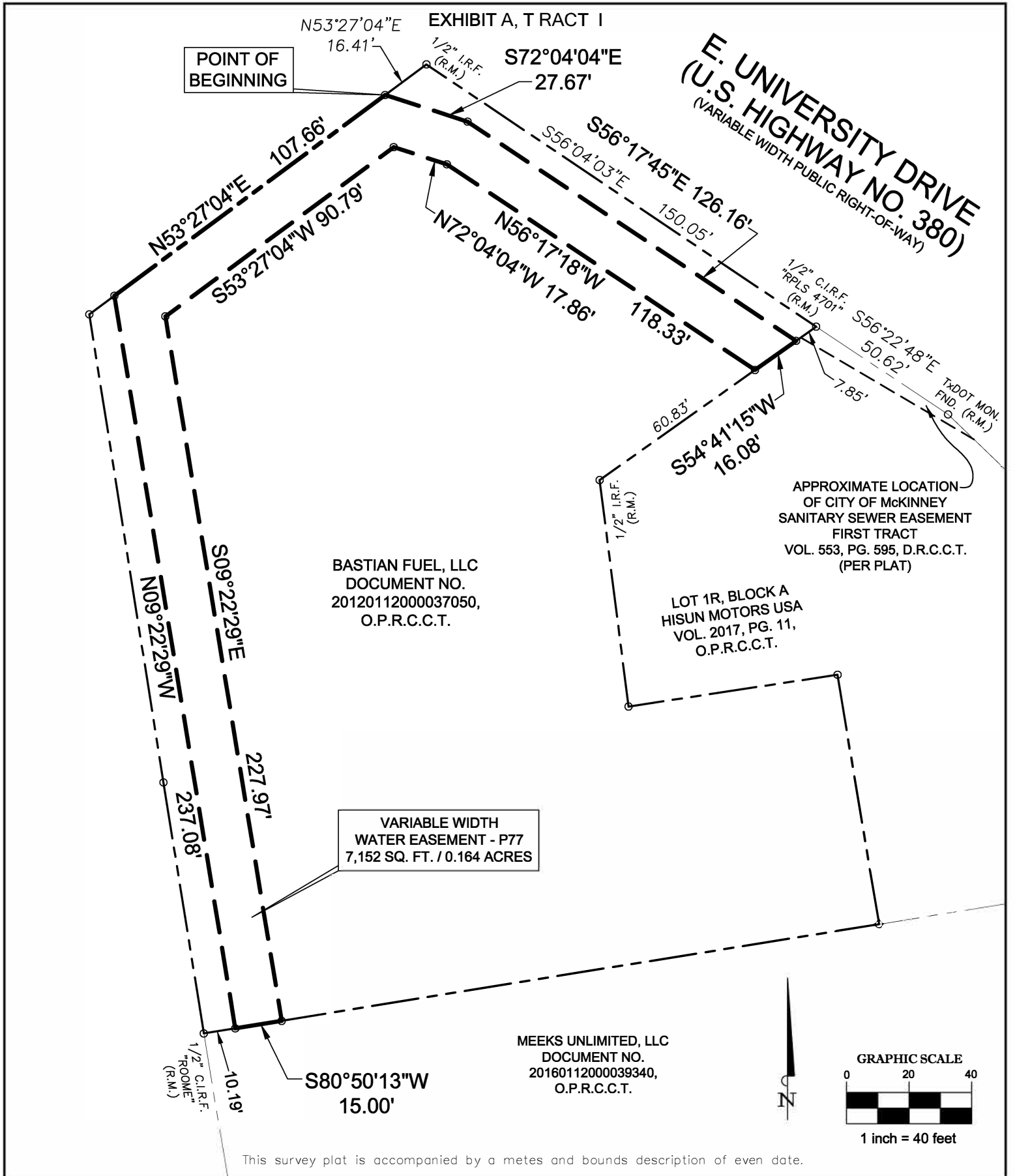
D.R.C.C.T. = Deed Records, Collin County, Texas

O.P.R.C.C.T. = Official Public Records, Collin County, Texas

Bearings, elevations and coordinates (surface), are based on the Horizontal and Vertical Control Datasheet, provided by Kimley-Horn, prepared by Baseline Corporation, dated June 02, 2015, for State Highway No. 5 (Cont. 0047; Sect. 04; Job 022). All coordinates shown are surface and may be converted to grid by dividing by a combined scale adjustment factor of 1.000152710. This metes and bounds description is accompanied by a survey plat of even date.



DATE:	07/22/2021	VARIABLE WIDTH WATER EASEMENT - P77 0.164 ACRES IN THE WILLIAM DAVIS SURVEY ABSTRACT NO. 248 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS	 North Texas Surveying, L.L.C. Registered Professional Land Surveyors 1010 West University Drive McKinney, Tx. 75069 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexassurveying.com Firm Registration No. 10074200
REVISED:	01/12/2023		
SCALE:	1" = 40'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2020-0010		



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VARIABLE WIDTH WATER EASEMENT - P77
0.164 ACRES IN THE WILLIAM DAVIS SURVEY
ABSTRACT NO. 248
CITY OF MCKINNEY,
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**EXHIBIT A, TRACT II
TEMPORARY CONSTRUCTION
EASEMENT - T83
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS**

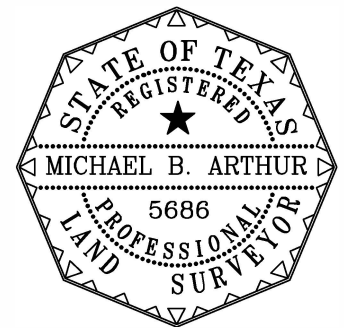
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COMMENCING at a 1/2" iron rod found for the most northerly corner of said Bastian Fuel, LLC tract, same being at the northeasterly end of a corner clip at the intersection of E. University Drive (U.s. Highway No. 380) and McDonald Street;

THENCE South 21°35'18" West, over and across said Bastian Fuel, LLC tract, a distance of 28.42' to the **POINT OF BEGINNING**;

THENCE over and across said Bastian Fuel, LLC tract, the following courses and distances:

1. South 72°04'04" East, a distance of 15.93' to a point for corner;
2. South 33°42'42" West, a distance of 15.59' to a point for corner;
3. North 72°04'04" West, a distance of 3.97' to a point for corner;
4. South 53°27'04" West, a distance of 73.91' to a point for corner;
5. South 09°22'29" East, a distance of 9.43' to a point for corner;
6. South 80°44'45" West, a distance of 2.06' to a point for corner;
7. South 09°15'15" East, a distance of 21.41' to a point for corner;
8. South 80°37'31" West, a distance of 12.90' to a point for corner;
9. North 09°22'29" West, a distance of 40.00' to a point for corner;
10. North 53°27'04" East, along said corner clip, a distance of 90.79' to the **POINT OF BEGINNING** and containing 1,872 square feet or 0.043 acres of land, more or less.

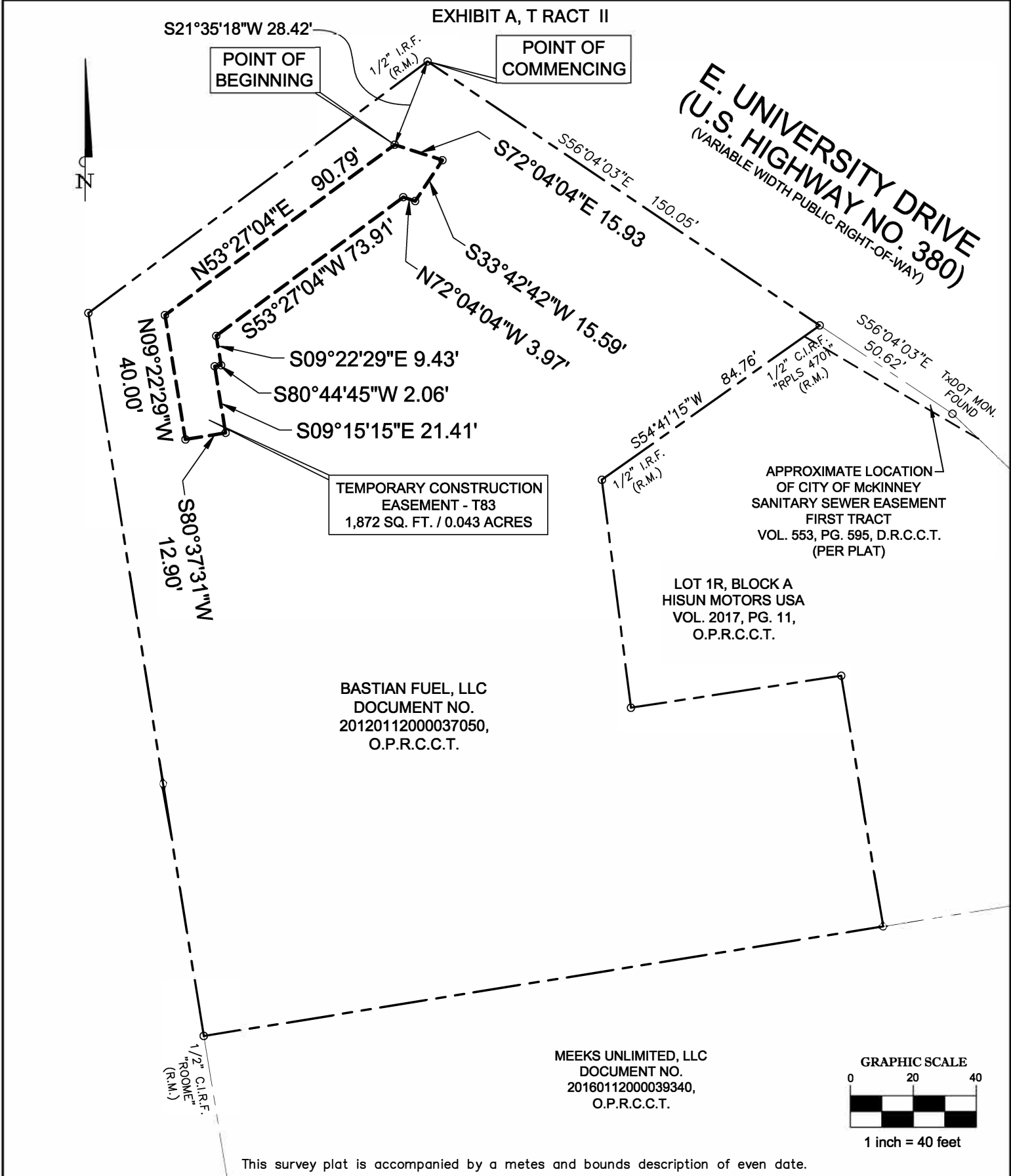


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DATE:	07/22/2021	TEMPORARY CONSTRUCTION EASEMENT - T83 0.043 ACRES IN THE WILLIAM DAVIS SURVEY ABSTRACT NO. 248 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS	 North Texas Surveying, L.L.C. Registered Professional Land Surveyors 1010 West University Drive McKinney, Tx. 75069 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexassurveying.com Firm Registration No. 10074200
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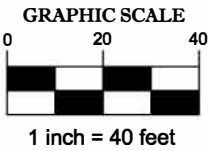


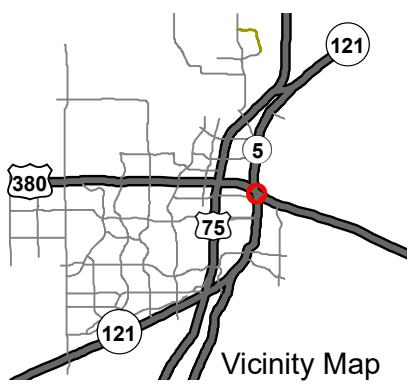
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TEMPORARY CONSTRUCTION
EASEMENT - T83
0.043 ACRES IN THE
WILLIAM DAVIS SURVEY
ABSTRACT NO. 248
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

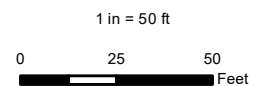
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Location Map

Exhibit "B" Bastian Fuel, LLC Water Line Easement and Temporary Construction Easement



DISCLAIMER: This map an information contained in it wet developed exclusively for us by the City of McKinney. An use or reliance on this map b anyone else is at that party's ris and without liability to the City / McKinney, its officials or employe for any discrepancies, error: or variances which may exis



Source: City of McKinney GIS
Date: 4/1/2024

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