

RESOLUTION NO. 2018-03-____ (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), DRAINAGE, GRADING, SANITARY SEWER AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION, ACCESS AND MAINTENANCE ASSOCIATED WITH THE WILLOW WOOD UN-NAMED ARTERIAL AND OFF-SITE SANITARY SEWER EASEMENT PROJECT AND ASSOCIATED INFRASTRUCTURE COMMENCING IN THE VICINITY OF THE INTERSECTION OF SH 5 AND CR 278 CONTINUING IN A SOUTHERLY DIRECTION TO APPROXIMATELY WILLOW WOOD BOULEVARD; AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING THE RIGHT OF WAY (IN FEE SIMPLE) AND EASEMENTS ON SAID PROPERTIES, OFFERING TO ACQUIRE THE RIGHT OF WAY (IN FEE SIMPLE) AND EASEMENTS VOLUNTARILY FROM THE PROPERTY OWNERS THROUGH THE MAKING OF BONA FIDE OFFERS, 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 Willow Wood Un-Named Arterial and Off-Site Sanitary Sewer Project and associated infrastructure, commencing in the vicinity of the intersection of SH 5 and CR 278 continuing in a southerly direction to approximately Willow Wood Boulevard, the location of which is generally set forth in the map attached hereto as Exhibit A; and

WHEREAS, the City Council has considered the Un-Named Arterial and has determined that a public necessity exists for the acquisition of right of way (in fee simple), along with drainage & grading easements as described on Exhibits B1 – B2, attached hereto and incorporated herein for all purposes (“Properties”); and

WHEREAS, the City Council has considered the Off-Site Sanitary Sewer Project and has determined that a public necessity exists for this project and the need for the acquisition of certain property rights for this project (“Properties”).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, 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. 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 Willow Wood Un-Named Arterial and Off-Site Sanitary Sewer 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 Willow Wood Un-Named Arterial 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 Exhibits B1 – B2.
- Section 4. 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 Off-Site Sanitary Sewer and to acquire the necessary property rights in those

certain tracts or parcels of land deemed necessary for that construction as identified in the alignment and profiles, as amended, together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land, the location of which lots, tracts or parcels are generally shown on the Location Map attached hereto as Exhibit A.

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 20th DAY OF MARCH 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

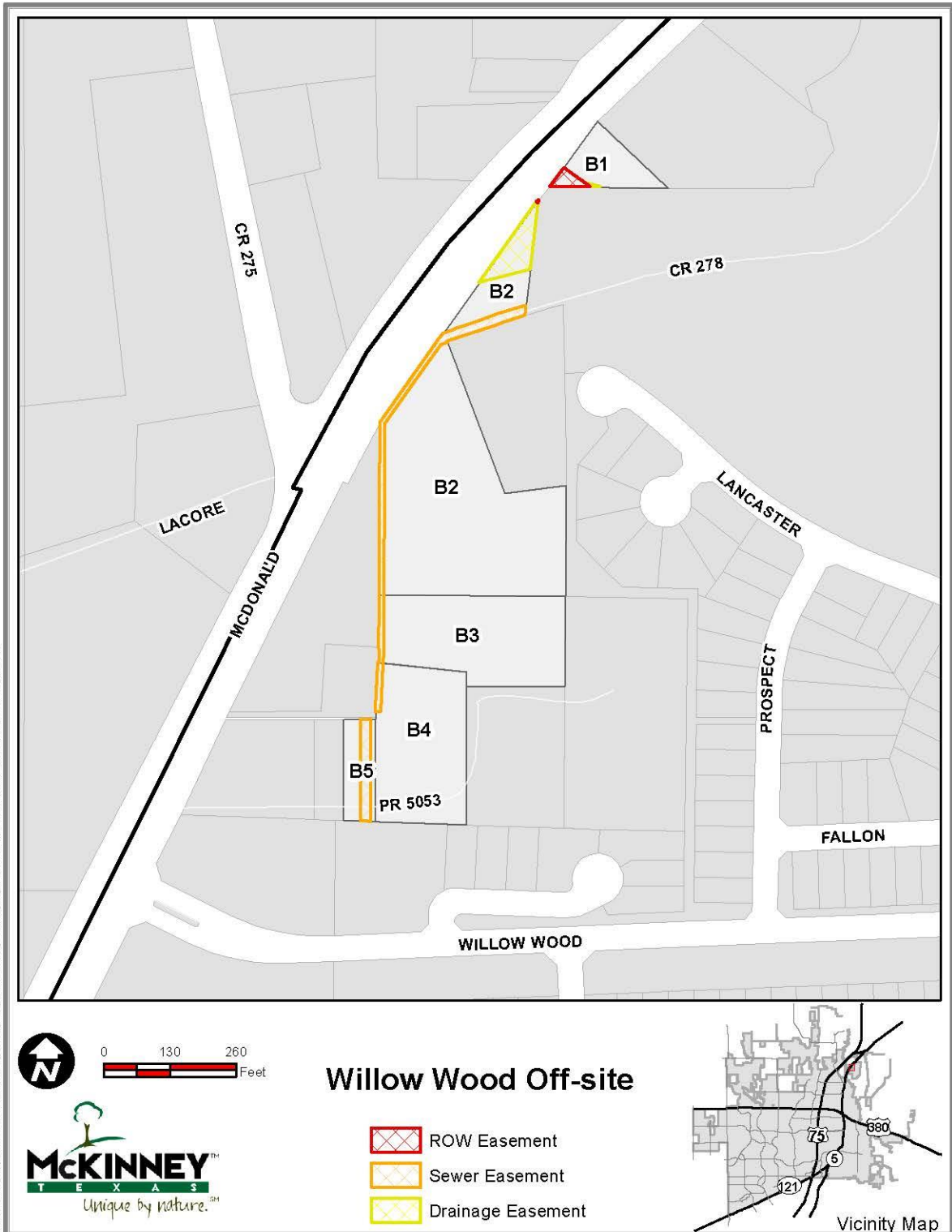
SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT "A"

Location Map



Path: C:\Users\jcarmona\Desktop\Projects by Department\Engineering\Agenda Items\20180219_CCI\Willow Wood Offsite.mxd

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-1

Depiction and Description of Fee Simple Right of Way and Drainage & Grading Easement on Asad Ahmadi Property

EXHIBIT "A"

SHEET 1 OF 1

RIGHT OF WAY

0.032 of an acre

ASAD AHMADI

ALL that certain tract or parcel of land situated in the ABNER SMALLEY SURVEY, ABSTRACT NUMBER 864, Collin County, Texas, being a part of that certain called 0.2451 acre tract described in a deed to ASAD AHMADI, as recorded in Clerk's File Number 2005-0083591 of the Land Records of Collin County, Texas, the herein tract being more particularly described as follows:

BEGIN at a wood right of way monument found at the southwest corner of said AHMADI tract, same being a northwest corner of that certain 306.591 acre tract described in a deed to McKINNEY PARTNERS 306, LP, as recorded in Clerk's File Number 20130829001227120 of the Land Records of Collin County, Texas, which corner is in the curving east line of State Highway 5 (width varies), said curve having a central angle of 00°57'21", a radius of 2804.93 feet and a chord which bears N 41°03'29" E, 46.79 feet;

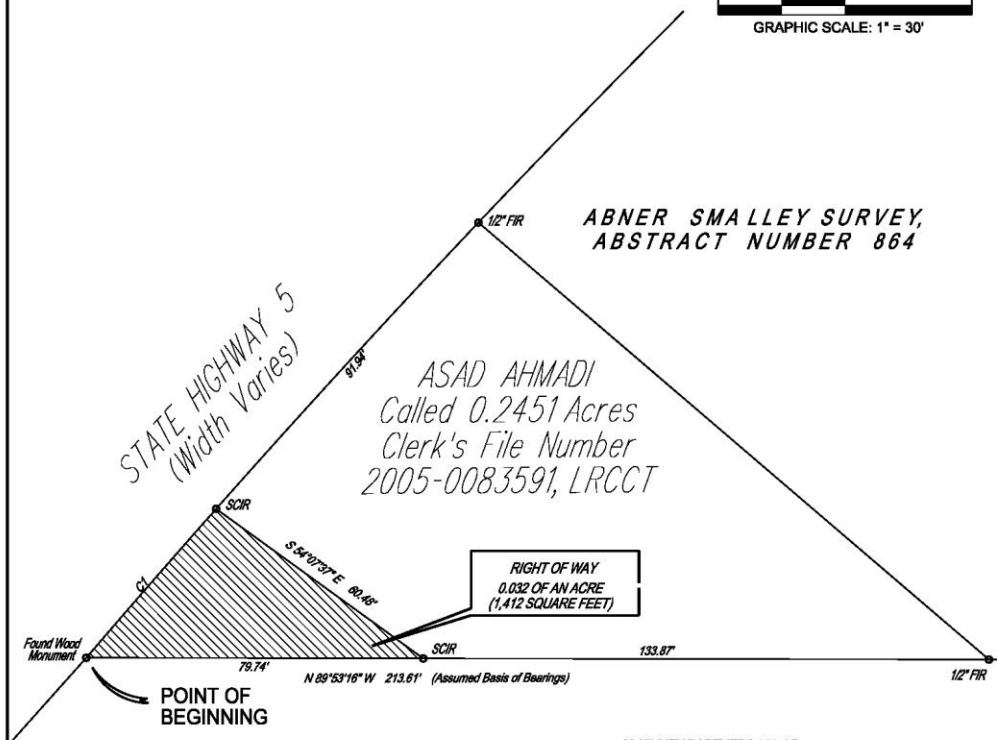
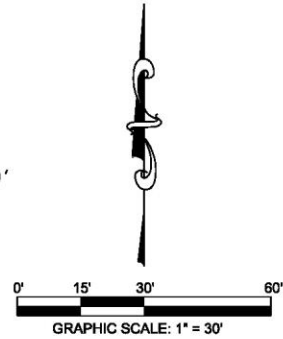
THENCE along the west or northwest line of said AHMADI tract, said east line of Highway 5 and the arc of said curve to the right a distance of 46.79 feet to a 1/2" capped iron rebar (PETSCH & ASSOC., INC.) set for corner;

THENCE departing said common line S 54°07'37" E a distance of 60.48 feet to a 1 2" capped iron rebar (PETSCH & ASSOC., INC.) set for corner in the south line of said AHMADI tract, same being aforesaid north line of McKINNEY PARTNERS tract;

THENCE N 89°53'16" W along said common line a distance of 79.74 feet to the POINT OF BEGINNING, containing 0.032 of an acre (1,412 SQUARE FEET) of land, MORE OR LESS.

EXHIBIT "B"
SHEET 1 OF 1

	CENTRAL ANGLE	RADIUS	LENGTH	CHORD BEARS
C1	00°57'21"	2804.93'	46.79'	N41°03'29"E 46.79'



ABNER SMALLY SURVEY,
ABSTRACT NUMBER 864

ASAD AHMADI
Called 0.2451 Acres
Clerk's File Number
2005-0083591, LRCCT

RIGHT OF WAY
0.032 OF AN ACRE
(1,412 SQUARE FEET)

McKINNEY PARTNERS 306, LP
Remaining Portion of 306.591 acres
Clerk's File Number
20130829001227120, LRCCT

STATE OF TEXAS
COUNTY OF COLLIN:

I hereby certify this SKETCH (EXHIBIT "B") and attached
DESCRIPTION (EXHIBIT "A") were prepared under my
RESPONSIBLE CHARGE during February, 2017, and are true and
correct to the best the best of my knowledge and belief.



- SCIR SET 1/2" CAPPED IRON REBAR
(PETSCH & ASSOC.)
- FCIR FOUND 1/2" CAPPED IRON REBAR
(PETSCH & ASSOC.)
(OR AS NOTED)
- FIR FOUND IRON REBAR
(SIZE NOTED)

William Boyd Kisinger
State of Texas
Registered Professional
Land Surveyor No. 4352

		PETSCH & ASSOCIATES, INC. Professional Engineers - Land Surveyors - Development Consultants Texas Registered Engineering Firm - F-3252 Texas Registered Surveying License Number - 10091600 2800 Eldorado Parkway, Suite 240, McKinney, Texas 75070 (972) 562-9606				
		Drawn by: wbk	Date: February, 2017	SCALE: 1" = 30'	JOB NUMBER: 06224-11 Arterial	SHEET 1
Designed by: wbk		Checked by: wbk				



EXHIBIT "A"
SHEET 1 OF 1
DRAINAGE & GRADING EASEMENT
0.002 Of an acre
(ASAD AHMADI)

ALL that certain tract or parcel of land situated in the ABNER SMALLEY SURVEY, ABSTRACT NUMBER 864, in the City of McKinney, Collin County, Texas, being part of the remaining portion of a 306.591 acre tract of land described in a deed to ASAD AHMADI, as recorded in Clerk's File Number 2005-0083591 of the Land Records of Collin County, Texas, the herein tract being more particularly described as follows:

COMMENCE at a wood monument found at a northwest corner of said MCKINNEY PARTNERS tract, same being the southwest corner of a called 0.2451 acre tract described in a deed to ASAD AHMADI, as recorded in Clerk's File Number 2005-0083591 of the Land Records of Collin County, Texas, which corner is in the east line of State Highway 5 (width varies);

THENCE S 89°53'16" E along a north line of said MCKINNEY PARTNERS tract, same being the south line of said AHMADI tract a distance of 79.74 feet to the POINT OF BEGINNING of the herein described tract of land;

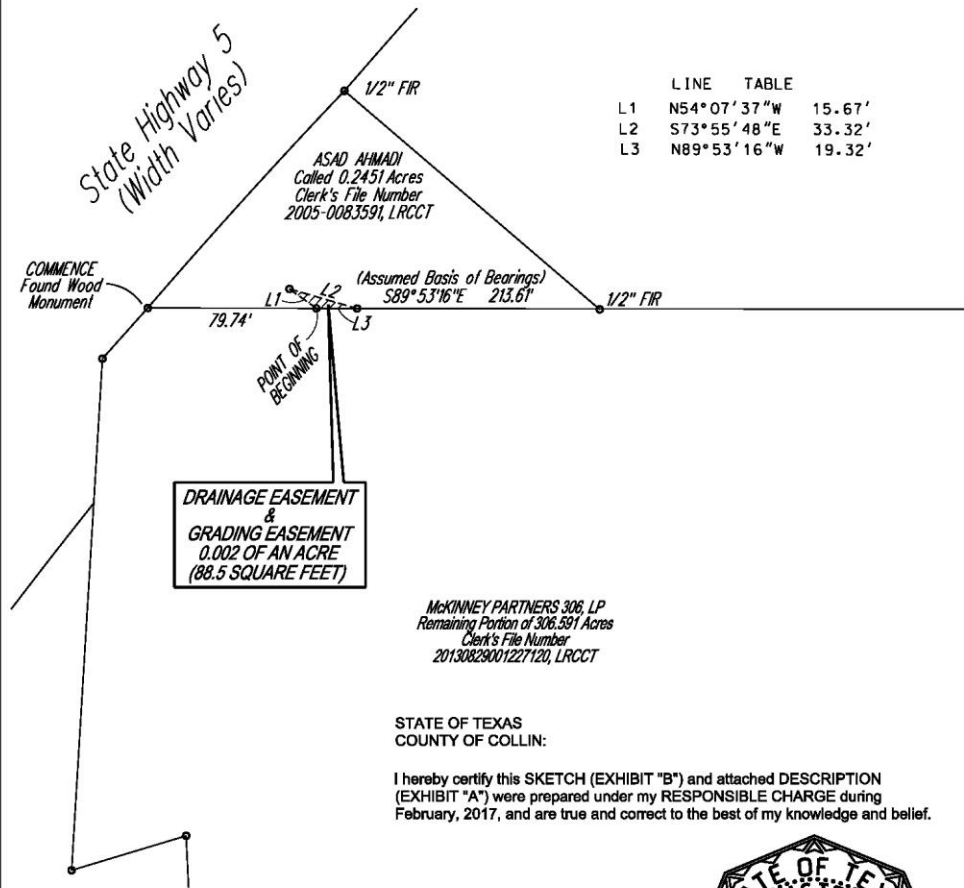
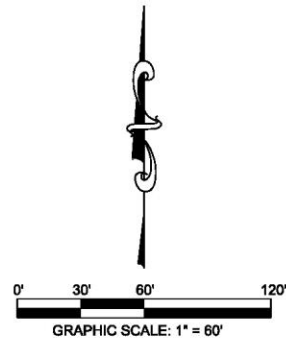
THENCE N 54°07'37" E a distance of 15.67 feet to an angle point;

THENCE S 73°55'48" E a distance of 33.32 feet to an angle point;

THENCE N 89°53'16" W a distance of 19.32 feet along a north line of said MCKINNEY PARTNERS tract, same being the south line of said AHMADI tract to the POINT OF BEGINNING, containing 0.002 of an acre (88.5 SQUARE FEET) of land, MORE OR LESS.

EXHIBIT "B"
SHEET 1 OF 1

ABNER SMALLEY SURVEY,
ABSTRACT NUMBER 864



LINE	TABLE	
L1	N54°07'37"W	15.67'
L2	S73°55'48"E	33.32'
L3	N89°53'16"W	19.32'

**DRAINAGE EASEMENT
&
GRADING EASEMENT
0.002 OF AN ACRE
(88.5 SQUARE FEET)**

*McKINNEY PARTNERS 306, LP
Remaining Portion of 306.591 Acres
Clerk's File Number
20130829001227120, LRCT*

STATE OF TEXAS
COUNTY OF COLLIN:

I hereby certify this SKETCH (EXHIBIT "B") and attached DESCRIPTION (EXHIBIT "A") were prepared under my RESPONSIBLE CHARGE during February, 2017, and are true and correct to the best of my knowledge and belief.



SCIR SET 1/2" CAPPED IRON REBAR
(PETSCH & ASSOC.)

FCIR FOUND 1/2" CAPPED IRON REBAR
(PETSCH & ASSOC.)
(OR AS NOTED)

FIR FOUND IRON REBAR
(SIZE NOTED)



**DRAINAGE & GRADING
EASEMENT**

Paul M. Valentine
State of Texas
Registered Professional
Land Surveyor No. 5359



PETSCH & ASSOCIATES, INC.

Professional Engineers - Land Surveyors - Development Consultants
Texas Registered Engineering Firm - F-3252
Texas Registered Surveying License Number - 10091600
2800 Eldorado Parkway, Suite 240, McKinney, Texas 75070 (972) 562-9606

Drawn by: JDR	Date: October, 2017	SCALE: 1" = 60'	JOB NUMBER: 06-224-11	SHEET 1	OF 1
Designed by: PMV	Checked by: PMV				

EXHIBIT "B-2"

Depiction and Description of Fee Simple Right of Way and Drainage Easement on Billy Densmore Property

EXHIBIT "A"

SHEET 1 OF 1

RIGHT OF WAY

10 SQUARE FEET

BILLY DENSMORE

ALL that certain tract or parcel of land situated in the ABNER SMALLEY SURVEY, ABSTRACT NUMBER 864, Collin County, Texas, being a part of that certain called 2.903 acre tract described in a deed to BILLY DENSMORE, as recorded in Clerk's File Number 20070322000386590 of the Land Records of Collin County, Texas, the herein tract being more particularly described as follows:

COMMENCE at a wood right of way monument found at a northwest corner of that certain tract of land described in a deed to McKINNEY PARTNERS 306, LP, as described in Clerk's File Number 20130829001227120 of the Land Records of Collin County, Texas, same being an angle point in the curving east line of State Highway 5 (width varies);

THENCE S 03°27'20" W along a west line of said McKINNEY PARTNERS tract, same being said east line of State Highway 5 a distance of 68.58 feet to a 1 2" capped iron rebar (PETSCH & ASSOC., INC.) set at the POINT OF BEGINNING of the herein described tract of land, same being the most northerly corner of said DENSMORE tract, which corner is another angle point in said curving east line of State Highway 5;

THENCE continue S 03°27'20" W along an east line of said DENSMORE tract, common here with a west line of said McKINNEY PARTNERS tract a distance of 6.51 feet to a 1 2" capped iron rebar (PETSCH & ASSOC., INC.) set for corner;

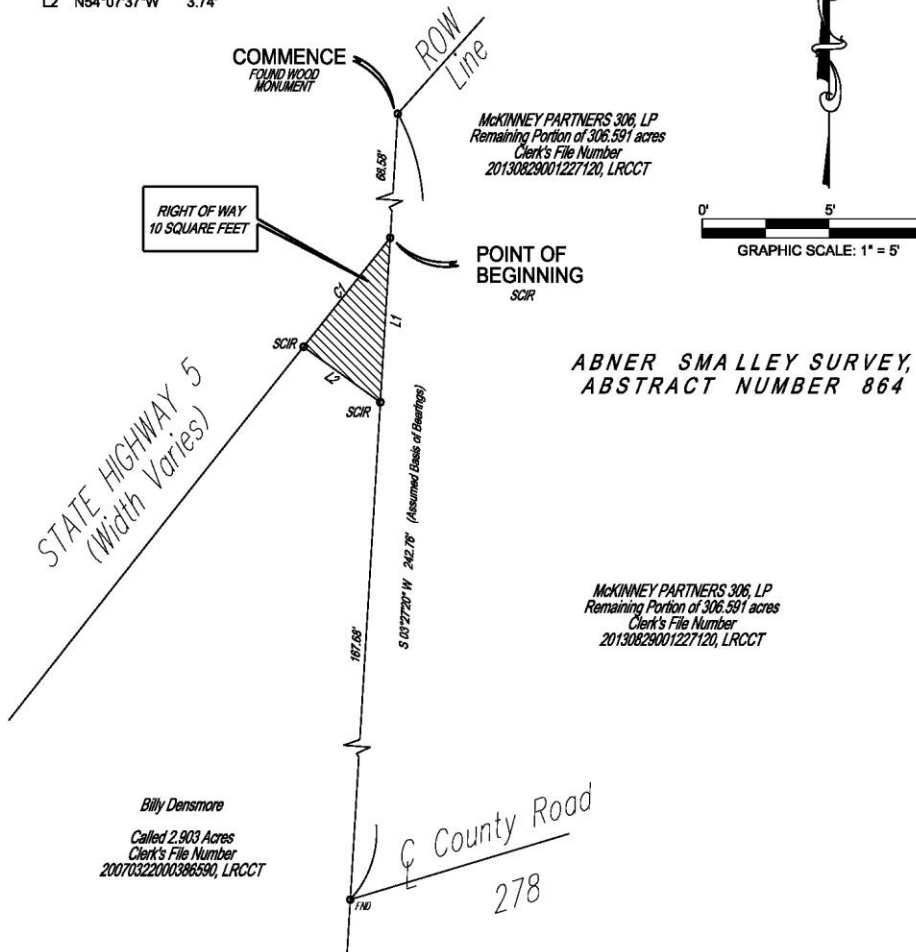
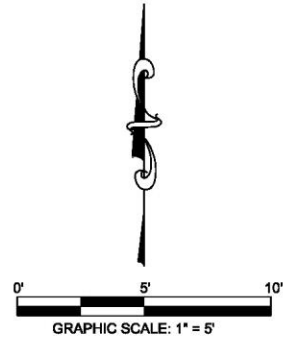
THENCE N 54°07'37" W, crossing said DENSMORE tract a distance of 3.74 feet to a 1/2" capped iron rebar (PETSCH & ASSOC., INC.) set for corner in a west line of said tract, same being the aforesaid curving east line of State Highway 5, said curve having a central angle of 00°06'50", a radius of 2674.79 feet and a chord which bears N 38°30'08" E, 5.50 feet;

THENCE along the arc of said curve to the right and said common line a distance of 5.50 feet to the POINT OF BEGINNING, containing 10 SQUARE FEET of land, MORE OR LESS.

EXHIBIT "B"
SHEET 1 OF 1

LINE TABLE

L1	S03°27'20"W	6.51'
L2	N54°07'37"W	3.74'



CURVE TABLE

	CENTRAL ANGLE	RADIUS	LENGTH	CHORD BEARS
C1	00° 06' 50"	2674.79	5.50'	N 38° 30' 08" E 5.50'

STATE OF TEXAS
COUNTY OF COLLIN:

I hereby certify this SKETCH (EXHIBIT "B") and attached DESCRIPTION (EXHIBIT "A") were prepared under my RESPONSIBLE CHARGE during February, 2017, and are true and correct to the best of my knowledge and belief.



- SCIR SET 1/2" CAPPED IRON REBAR (PETSCH & ASSOC.)
- FCIR FOUND 1/2" CAPPED IRON REBAR (PETSCH & ASSOC.) (OR AS NOTED)
- FND FOUND NAIL IN BRASS DISC (PETSCH & ASSOC., INC.)

William Boyd Kisinger
State of Texas
Registered Professional
Land Surveyor No. 4352

<p>PETSCH & ASSOCIATES, INC. Professional Engineers - Land Surveyors - Development Consultants Texas Registered Engineering Firm - F-3252 Texas Registered Surveying License Number - 10091600 2800 Eldorado Parkway, Suite 240, McKinney, Texas 75070 (972) 562-9606</p>					
					Drawn by:
wbk	February, 2017	1" = 10'	06-224-11 Arterial Ph1	1	1
Designed by:	Checked by:				
	wbk				



EXHIBIT "A"
SHEET 1 OF 1
DRAINAGE EASEMENT
0.194 of an acre
(BILLY DENSMORE)

ALL that certain tract or parcel of land situated in the ABNER SMALLEY SURVEY, ABSTRACT NUMBER 864, in the City of McKinney, Collin County, Texas, being part a tract of land described in a deed to BILLY DENSMORE, as recorded in Clerk's File Number 20070322000386590 of the Land Records of Collin County, Texas;

COMMENCE at a wood monument found at a northwest corner of a 306.591 acre tract of land described in a deed to MCKINNEY PARTNERS 306, LP, as recorded in Clerk's File Number 20130829001227120 of the Land Records of Collin County, Texas, same being an angle point in the east line of State Highway 5 (width varies);

THENCE S 03°27'20" W along a west line of said MCKINNEY PARTNERS tract, common with said east line State Highway 5 a distance of 68.58 feet to a 1/2" capped iron rebar (PETSCH & ASSOC., INC.) previously set at the POINT OF BEGINNING of the herein described tract of land, same being the most northerly corner of said DENSMORE tract;

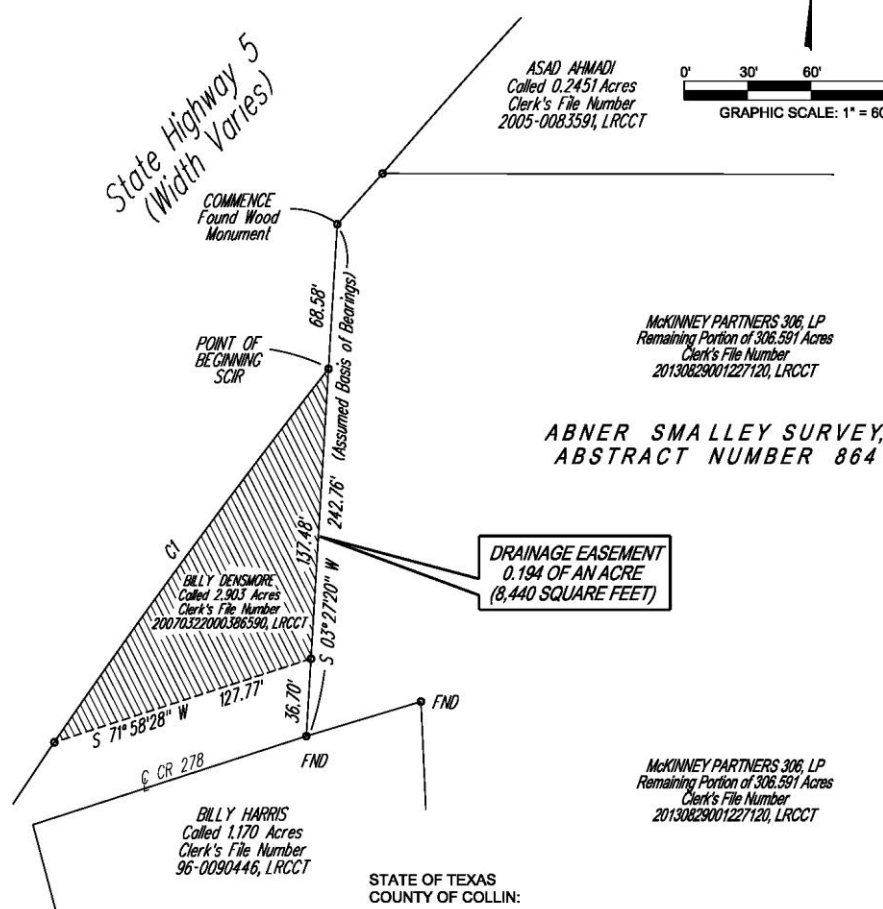
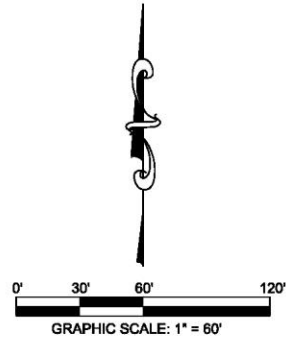
THENCE continue S 03°27'20" W along the most northerly east line of said DENSMORE tract, common here with said west line of MCKINNEY PARTNERS tract a distance of 137.48 feet to a point for corner;

THENCE S 71°58'28" W a distance of 127.77 feet to a point for corner in the west line of said DENSMORE tract, same being the curving east line of aforesaid State Highway 5, said curve having a central angle of 3°49'01", a radius of 3292.54 feet and a chord which bears N36°17'11"E, 219.30 feet;

THENCE along the arc of said curve to the right and said common line a distance of 219.34 feet to the POINT OF BEGINNING, containing 0.194 of an acre (8,440 SQUARE FEET) of land, MORE OR LESS.

EXHIBIT "B" SHEET 1 OF 1

CURVE TABLE				
CENTRAL ANGLE	RADIUS	LENGTH	CHORD BEARS	
C1	3°49'01"	3292.54'	219.34'	N36°17'11"E 219.30'



STATE OF TEXAS
COUNTY OF COLLIN:

I hereby certify this SKETCH (EXHIBIT "B") and attached DESCRIPTION (EXHIBIT "A") were prepared under my RESPONSIBLE CHARGE during March, 2017, and are true and correct to the best of my knowledge and belief.



SCIR SET 1/2" CAPPED IRON REBAR
(PETSCH & ASSOC.)

FND FOUND NAIL IN BRASS DISC
(PETSCH & ASSOC., INC.)
(OR AS NOTED)

FIR FOUND IRON REBAR
(SIZE NOTED)

DRAINAGE EASEMENT

William Boyd Kisinger
State of Texas
Registered Professional
Land Surveyor No. 4352

PETSCH & ASSOCIATES, INC. Professional Engineers - Land Surveyors - Development Consultants Texas Registered Engineering Firm - F-3252 Texas Registered Surveying License Number - 10091600 2600 Eldorado Parkway, Suite 240, McKinney, Texas 75070 (972) 562-9606				
Drawn by: wbk	Date: March, 2017	SCALE: 1" = 60'	JOB NUMBER: 06-224-11	SHEET OF 1 1
Designed by:	Checked by: wbk			