

RESOLUTION NO. 2018-06-____(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE SALE OF A PARCEL OF LAND TO THE TEXAS TRANSPORTATION COMMISSION FOR THE CONSTRUCTION OF THE STATE'S FM 2478 PROJECT, WHICH LAND CONTAINS APPROXIMATELY 0.5922 ACRES OF LAND IN THE GEORGE HORN SURVEY, ABSTRACT NO. 412 AND GENERALLY LOCATED NORTH OF HIGHWAY 380 AND SOUTH FM 1461; AND AUTHORIZING THE CITY MANAGER TO EXECUTE DEEDS AND DOCUMENTS REGARDING THE SALE OF SAID CITY-OWNED PROPERTY TO THE STATE OF TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the City of McKinney, Texas ("City"), owns approximately 0.5922 acres of land ("Property") in the George Horn Survey, Abstract No. 412, more fully described and depicted in Exhibit "B" attached hereto and incorporated herein by reference for all purposes allowed by law; and

WHEREAS, the Texas Department of Transportation ("TxDOT") is currently planning for the construction of FM 2478 from Highway 380 north to FM 1461 ("FM 2478 Project"); and

WHEREAS, TxDOT is currently acquiring ROW and easements necessary for the FM 2478 Project to begin construction; and

WHEREAS, TxDOT wants to acquire the Property, identified herein-above, from the City for use as ROW with the FM 2478 Project; and

WHEREAS, City Council, has determined that the Property is no longer necessary for municipal purposes; and

WHEREAS, Texas Local Government Code Section 272.001(b)(5) authorizes a city to convey property to a political subdivision having the power of eminent domain, such as the State of Texas, for the fair market value of such property without complying with the notice and bidding procedures set forth in Texas Local Government Code Section 272.001; and

WHEREAS, City has obtained an appraisal by a licensed real estate appraiser confirming the fair market value of the Property thereby meeting the requirements of Texas Local Government Code Section 272.001(b); and

WHEREAS, the Texas Transportation Commission has offered to pay City the fair market value of the Property for use as ROW in the FM 546 Project; and

WHEREAS, City Council, has determined that it would be in the best interest of the City to convey the Property to the State of Texas acting by and through the Texas Transportation Commission and TxDOT.

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

- Section 1. All of the above premises are hereby found 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 Property should be sold to the State of Texas, acting by and through the Texas Transportation Commission and TxDOT, for the total amount of Fifty-Nine Thousand, Ninety-Eight and 00/100 Dollars (\$59,098.00), which amount is equal to or greater than the appraised fair market value of the Property.
- Section 3. The City Manager is hereby authorized to execute all documents necessary to the sale and conveyance of the Property, fully described on Exhibits "B", attached hereto, to the State of Texas for ROW to be used with the FM 2478 Project.
- Section 4. This Resolution shall take effect immediately from and after the date of passage and is so resolved.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 5th DAY OF JUNE, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

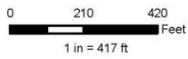
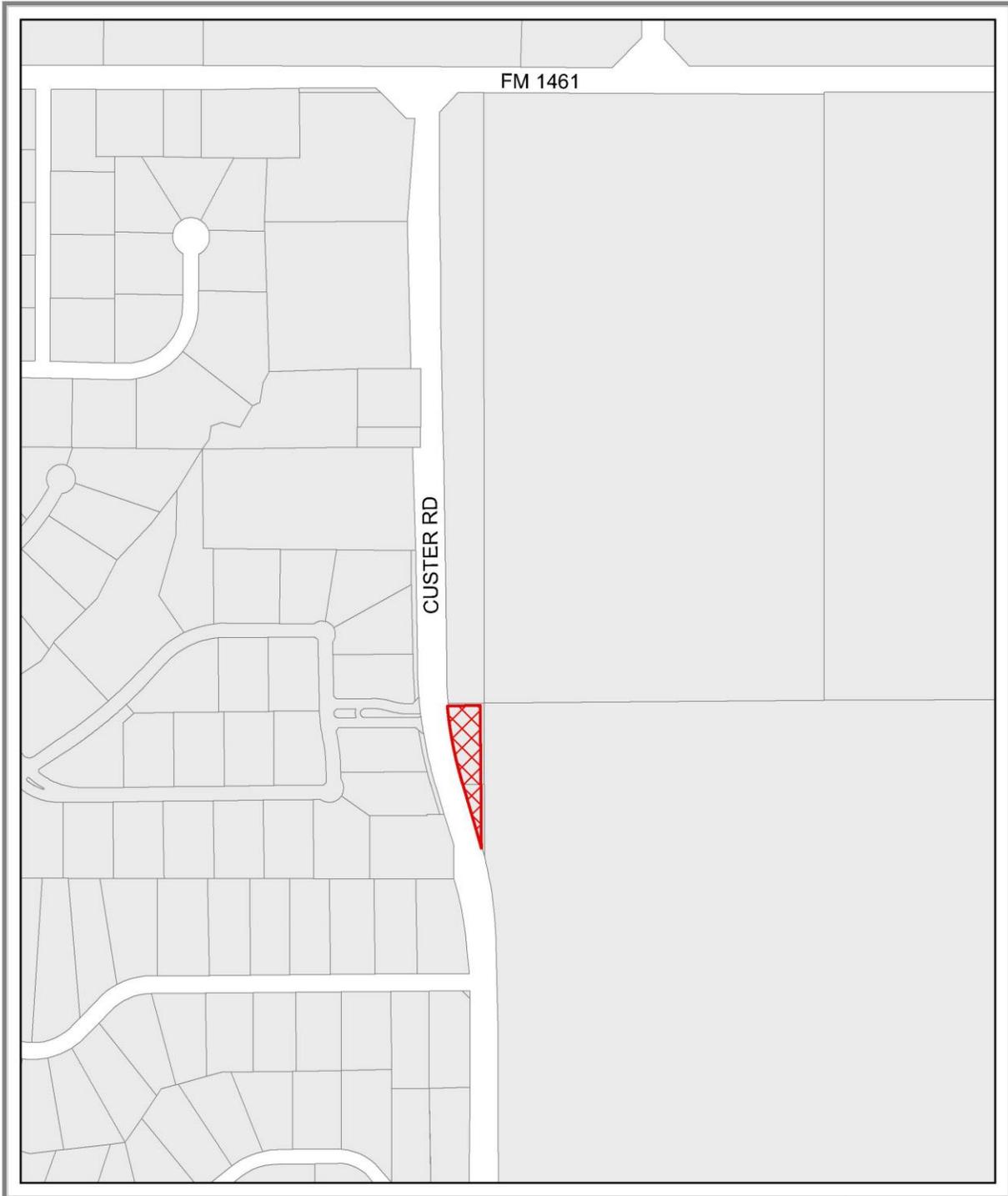
SANDY HART, TRMC, MMC
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT "A"

Location Map



City of McKinney Parcel
FM 2478 (North Custer Rd)

Source: City of McKinney GIS
Date: 5/29/2018

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"

Depiction and Description of Fee Simple Right of Way Parcel

EXHIBIT A

County: Collin
Highway: FM 2478
STA. 474+95.20 to 477+74.23
R.O.W. CSJ: 2351-01-022

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December 22, 2016

Description for Parcel 46

BEING 25,798 square feet of land, more or less, situated in the G. Horn Survey Abstract Number 412, Collin County, Texas, and being all of Tract 3 as conveyed to the City of McKinney by deed recorded as County Clerks Instrument Number 20111026001149950, Deed Records, Collin County, Texas, said 25,798 square feet of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod with a cap stamped "RPS 1674" found at the northeast corner of said Tract 3, also being the northwesterly corner of that tract of land conveyed to Seeing Stars, LTD by deed recorded as County Clerks Instrument Number 20070907001252680, Deed Records, Collin County, Texas and an angle point in the southerly line of that tract of land conveyed to Haggard Rhea Mills, LLC, by deed recorded as County Clerks Instrument Number 20100610000588740, Deed Records, Collin County, Texas, said beginning point also being at Station 477+74.23, 43.75 feet left and having a surface coordinate of North 7,145,630.53, East 2,509,169.59;

- 1) THENCE South 00 degrees 25 minutes 24 seconds East, along the easterly line of said Tract 3, also being the westerly line of said Stars tract, a distance of 285.00 feet to the southeast corner of said Tract 3, also being the northeast corner of the remainder of Tract II, said Tract II was conveyed to FHC Enterprises, Inc. by deed recorded in Volume 1717, Page 6, Deed Records, Collin County, Texas;
- 2) THENCE South 87 degrees 34 minutes 57 seconds West, along the southerly line of said Tract 3, also being the northerly line of said remainder of Tract II, at a distance of 57.11 feet passing a ½ inch iron rod found with a cap stamped "RPLS 5686" and continuing in all a distance of 57.34 feet to the southwest corner of said Tract 3, also being the northwest corner of said remainder of Tract II and on the existing easterly right of way line of FM 2478 and the easterly line of that tract of land conveyed to the State of Texas by deed recorded in Volume 529, Page 611, deed Records, Collin County, Texas;
- 3) THENCE North 16 degrees 26 minutes 43 seconds West, along the westerly line of said Tract 3, also being the existing easterly right of way line of said FM 2478 and the easterly line of said State of Texas tract, a distance of 27.72 feet to the beginning of a curve to the right whose center bears North 73 degrees 34 minutes 10 seconds East a distance of 1387.40 feet, a 5/8 inch iron rod found bears South 07 degrees 08 minutes 47 seconds East, a distance of 0.73 feet;

EXHIBIT A

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- 4) THENCE Northwesterly, along the westerly line of said Tract 3, also being the existing easterly right of way line of said FM 2478 and the easterly line of said State of Texas tract and with said curve, through a central angle of 10 degrees 52 minutes 36 seconds an arc length of 263.38 feet to a ½ inch iron rod found with a cap stamped "RPLS 5686", being the northwest corner of said Tract 3, also being the southwest corner of said Rhea Mills tract, a 5/8 inch iron rod found bears South 32 degrees 05 minutes 36 seconds East, a distance of 1.13 feet;
- 5) THENCE North 88 degrees 38 minutes 48 seconds East, along the northerly line of said Tract 3, also being the southerly line of said Rhea Mills tract, a distance of 113.21 feet to the POINT OF BEGINNING and containing 25,798 square feet of land, more or less.

EXHIBIT A

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Description for Parcel 46

Bearings of lines shown hereon refer to Grid North of the Texas Coordinate System of 1983 (North Central Zone; NAD83 (2011) Epoch 2010) as derived locally from the TxDOT Continuously Operating Reference Stations (CORS) via Real Time Kinematic (RTK) methods. An average Combination Factor of 1.000152710 was used to scale grid coordinates and distances to surface. All coordinates shown are surface.

** The monument described in this call, if destroyed during construction, may be replaced with a TxDOT Type II Right of Way Marker at or near the end of construction of the highway project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

The Station and Offset Information refers to the baseline described in the map sheet for TxDOT Right of Way Mapping Project Control-Section-Number 2351-01-022 & 2351-02-015.

I, Steve L. Hampton, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

 12/22/16

Date

Steve L. Hampton, RPLS
Registered Professional Land Surveyor
Texas Registration No. 5172

Teague Nall and Perkins, Inc.
5237 N. Riverside Drive, Suite 100
Fort Worth, Texas 76137
Ph. (817) 336-5773
TBPLS Firm No. 100116-00



Starting of all lines shown herein refer to Grid North of the Texas Coordinate System. All bearings and distances are shown as surface. All coordinates shown are surface. All distances shown are surface. All bearings shown are surface. All coordinates shown are surface.

EXHIBIT "A"
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G. Horn Survey
Abstract No. 412

North Custer Rd
FM 2478

