

RESOLUTION NO. 2021-10 - \_\_\_\_ (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 1461 PROJECT, WHICH PARCEL CONTAINS 0.8506 ACRES OF LAND IN THE JOEL F. STEWART SURVEY, ABSTRACT NO. 838, CITY OF MCKINNEY AND CITY OF MCKINNEY EXTRA TERRITORIAL JURISDICTION, COLLIN COUNTY, TEXAS AND COMMONLY KNOWN AS 3332 FM 1461 LOCATED AT THE INTERSECTION OF FM 1461 AND BLOOMDALE ROAD; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED 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 an approximate 0.8506 acre parcel of land in the Joel F. Stewart Survey, Abstract No. 838 ("Property"), 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 1461 from Preston Road to Bloomdale Road ("FM 1461 Project"); and

**WHEREAS**, City entered into an agreement with TxDOT to participate in right-of-way ("ROW") acquisition for the FM 1461 Project with the City contributing ten percent (10%) of the cost of ROW acquisition and TxDOT contributing ninety percent (90%) of the cost of ROW acquisition; and

**WHEREAS**, TxDOT is currently acquiring ROW and easements necessary for the FM 1461 Project to begin utility relocations and construction; and

**WHEREAS**, TxDOT wants to acquire the Property, identified herein-above, from the City for use as ROW with the FM 1461 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**, TxDOT obtained an appraisal of the Property and the City has obtained a 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, as determined by the City's appraiser, for use as ROW in the FM 1461 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 Eighty-One Thousand, Five Hundred, Fourteen and 00/100 Dollars (\$81,514.00), which amount is the appraised fair market value of the Property.

Section 3. The City Manager is hereby authorized to execute all documents necessary for 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 1461 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 4<sup>th</sup> DAY OF OCTOBER 2021.**

CITY OF MCKINNEY, TEXAS:

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary

JOSHUA STEVENSON  
Deputy City Secretary

APPROVED AS TO FORM:

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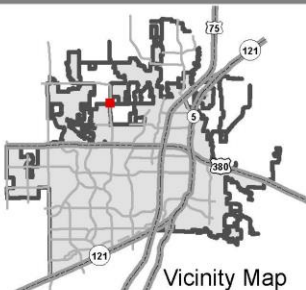
MARK S. HOUSER  
City Attorney

# EXHIBIT "A"

## Location Map



Document Path: Y:\GIS\GISWork\Projects\Falls\Projects\Various\Projects\Dev\_Services\_Notification\_Map.mxd



City of McKinney  
0.8506 Acre Parcel

3332 FM 1461

Source: City of McKinney GIS  
Date: 1/22/2021



0 50 100 Feet  
1 in = 104 ft

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

EXHIBIT "A"

County: Collin  
Highway: FM 1461  
STA. 105+71.99 to STA. 109+23.02  
R.O.W. CSJ: 1392-03-015

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April 26, 2019

#### Description for Parcel 2

**BEING** 37,051 square feet of land situated in the Joel F Stewart Survey, Abstract No. 838, City of McKinney and City of McKinney Extra Territorial Jurisdiction, Collin County, Texas, and being all of the called 0.847 acre tract of land described in the deed to The City of McKinney recorded in Document No. 20120824001057390 of the Official Public Records of Collin County, Texas, said 37,051 square feet (0.8506 acres) of land being more particularly described by metes and bounds as follows:

**COMMENCING** at a 1/2 inch iron rod found (Controlling Monument (CM)) in the common south line of Lot 6 of Bloomdale Estates, an addition to Collin County, Texas recorded in Cabinet J, Page 981 of the Plat Records of Collin County, Texas, north line of a 60' right-of-way dedication to Collin County, Texas recorded in Cabinet J, Page 981 of said Plat Records of Collin County, Texas, and existing north right-of-way line of County Road 164 (Bloomdale Road) (a variable width right-of-way), from which a calculated point for the common southeast corner of said Lot 6 and southwest corner of Lot 7 of said Bloomdale Estates bears North 89 degrees 58 minutes 57 seconds East, a distance of 100.00 feet;

**THENCE**, South 89 degrees 58 minutes 57 seconds West, with the common south line of said Lot 6, north line of said 60' right-of-way dedication, and existing north right-of-way line of said County Road 164 (Bloomdale Road), a distance of 444.13 feet to a 1/2 inch iron rod found (CM) for the **POINT OF BEGINNING** and having a surface coordinate of N=7,142,626.81 and E=2,525,265.91, said 1/2 inch iron rod being the common southwest corner of said Lot 6 and northwest corner of said 60' right-of-way dedication, said 1/2 inch iron rod also being in the east line of said 0.847 acre tract of land and being 134.73 feet Right of and at right angles to centerline Station 106+31.91 of said FM 1461;

- (1) **THENCE**, South 00 degrees 21 minutes 26 seconds East, with the common east line of said 0.847 acre tract of land and west line of said 60' right-of-way dedication, a distance of 60.00 feet to a calculated point for the common southeast corner of said 0.847 acre tract of land and southwest corner of said 60' right-of-way dedication, said point also being in the north line of a called 3.920 acre tract of land described in the deed to City of McKinney, Texas recorded in Document No. 20100427000412530 of said Official Public Records of Collin County, Texas, said point being 137.92 feet Right of and at right angles to centerline Station 105+71.99 of said FM 1461;

EXHIBIT "A"

County: Collin  
Highway: FM 1461  
STA. 105+71.99 to STA. 109+23.02  
R.O.W. CSJ: 1392-03-015

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Description for Parcel 2

- (2) **THENCE**, South 89 degrees 58 minutes 57 seconds West, with the common south line of said 0.847 acre tract of land and north line of said 3.920 acre tract of land, a distance of 118.51 feet to a calculated point for the common southwest corner of said 0.847 acre tract of land and northwest corner of said 3.920 acre tract of land, said point being in the common east line of a called 2.839 acre tract of land described in the deed to State of Texas recorded in Volume 455, Page 406 of the Deed Records of Collin County, Texas and existing east right-of-way line of FM 1461 (a variable width right-of-way);
- (3) **THENCE**, North 00 degrees 05 minutes 16 seconds East, with the common west line of said 0.847 acre tract of land, east line of said 2.839 acre tract of land, and existing east right-of-way line of said FM 1461, passing at a distance of 18.31 feet, a calculated point for the common northeast corner of said 2.839 acre tract of land and southeast corner of a called 1.186 acre tract of land described in the deed to State of Texas recorded in Volume 455, Page 458 of said Deed Records of Collin County, Texas, in all, a distance of 169.71 feet to a calculated point for the beginning of a non-tangent curve to the right having a radius of 432.53 feet, a central angle of 21 degrees 43 minutes 39 seconds, and a chord that bears North 10 degrees 55 minutes 46 seconds East, a chord length of 163.04 feet, from which a 1/2 inch iron rod found for reference bears North 48 degrees 28 minutes 55 seconds East, a distance of 0.83 feet;
- (4) **THENCE**, Northeasterly, with the common west line of said 0.847 acre tract of land, east line of said 1.186 acre tract of land, and existing east right-of-way line of said FM 1461, an arc length of 164.02 feet to a calculated point for the northwest corner of said 0.847 acre tract of land, said point being in the south line of a called .5 acre tract of land described in the deed to McKinney Independent School District/Collin County/Collin County CCD recorded in Document No. 20091106001360340 of said Official Public Records of Collin County, Texas;
- (5) **THENCE**, North 89 degrees 56 minutes 33 seconds East, with the common north line of said 0.847 acre tract of land and south line of said .5 acre tract of land, passing at a distance of 0.61 feet, a 1/2 inch iron rod found for reference, in all, a distance of 85.28 feet to a 1/2 inch iron rod found (CM) for the common northeast corner of said 0.847 acre tract of land and southeast corner of said .5 acre tract of land, said 1/2 inch iron rod also being in the west line of said Lot 6 and being 99.90 feet Right of and at right angles to centerline Station 109+23.02 of said FM 1461;
- (6) **THENCE**, South 00 degrees 21 minutes 26 seconds East, with the common east line of said 0.847 acre tract of land and west line of said Lot 6, a distance of 269.85 feet to the **POINT OF BEGINNING** and containing 37,051 square feet or 0.8506 acres of land, more or less.

EXHIBIT "A"

County: Collin  
Highway: FM 1461  
STA. 105+71.99 to STA. 109+23.02  
R.O.W. CSJ: 1392-03-015

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Description for Parcel 2

NOTES:

The basis of bearing is the Texas State Plane Coordinate System of 1983 North Central Zone (4202), North American Datum (NAD83), 2011 adjustment, EPOCH 2010. All distances and coordinates shown are surface, unless otherwise noted, and may be converted to grid by dividing by the TXDOT combined scale factor of 1.000152710. Unit of measurement is U.S. Survey Feet.

\*\* This monument may be replaced by TXDOT Type II Right-of-Way Marker upon completion of the highway acquisition project under the supervision of a Registered Professional Land Surveyor either employed or retained by TXDOT.

A plat of same date accompanies this description.

This survey was performed without the benefit of a title report. There may be easements of record that affect.

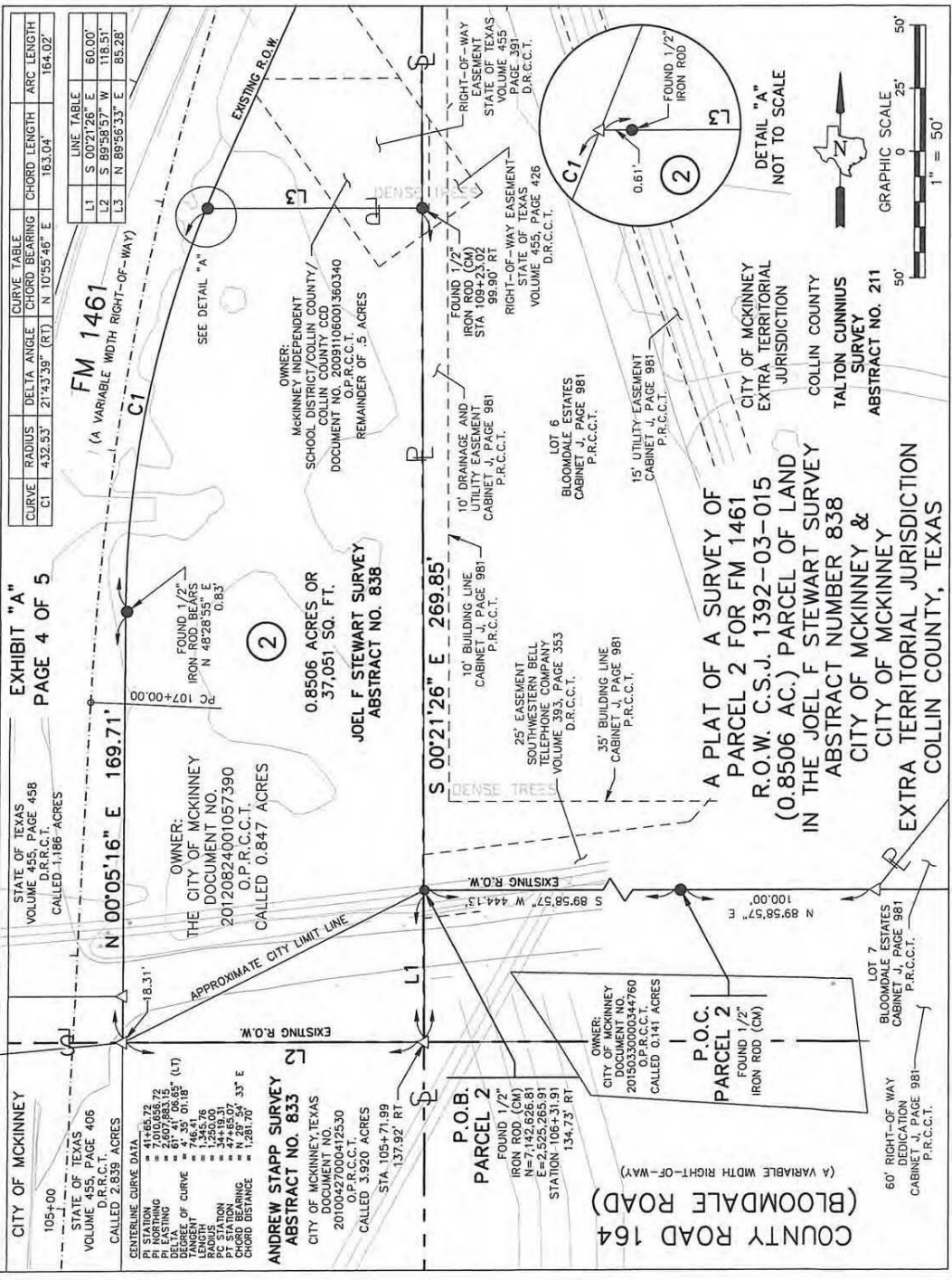
All stations and offsets shown are calculated relative to the project centerline (FM 1461 centerline).

I, Shaun Marvin Piepkorn, a Registered Professional Land Surveyor, do hereby declare that this description and accompanying plat is true and correct to the best of my knowledge and belief and that the property described herein was determined by survey made on the ground under my direction and supervision.

  
Shaun Marvin Piepkorn  
Registered Professional Land Surveyor No. 6432  
Date: April 26, 2019



1519 Surveying, LLC  
11498 Luna Road, Suite 203  
Farmers Branch, Texas 75234  
Office 214-484-8586  
Texas Firm No. 10194283



**EXHIBIT "A"**  
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CURVE	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	432.53'	21°43'38" (RT)	N 10°55'46" E	163.04'	164.02'

**LINE TABLE**

LINE	BEARING	LENGTH
L1	S 00°21'26" E	60.00'
L2	S 89°58'57" W	118.51'
L3	N 89°58'33" E	85.28'

**FM 1461**  
(A VARIABLE WIDTH RIGHT-OF-WAY)

**STATE OF TEXAS**  
VOLUME 455, PAGE 458  
D.R.R.C.T.  
CALLED 1.186 ACRES

**STATE OF TEXAS**  
VOLUME 455, PAGE 406  
D.R.R.C.T.  
CALLED 2.839 ACRES

**PI STATION** = 41+65.72  
**PI EXISTING** = 2+07.98315  
**DELTA** = 61° 41' 06.65" (LT)  
**TANGENT** = 746.41 011.8'  
**LENGTH** = 1,545.76  
**PPC STATION** = 34+19.31  
**PPC TO BEARING** = N 78°59' 33" E  
**CHORD DISTANCE** = 1,281.70'

**OWNER:**  
THE CITY OF MCKINNEY  
DOCUMENT NO. 20120824001057390  
O.P.R.C.C.T.  
CALLED 0.847 ACRES

**OWNER:**  
MCKINNEY INDEPENDENT  
SCHOOL DISTRICT/COLLIN COUNTY/  
COLLIN COUNTY CO  
DOCUMENT NO. 20091106001360340  
O.P.R.C.C.T.  
REMAINDER OF .5 ACRES

**OWNER:**  
JOEL F STEWART SURVEY  
ABSTRACT NO. 838  
0.8506 ACRES OR  
37,051 SQ. FT.

**ANDREW STAPP SURVEY**  
ABSTRACT NO. 833  
CITY OF MCKINNEY, TEXAS  
DOCUMENT NO. 20100427000412530  
O.P.R.C.C.T.  
CALLED 3.920 ACRES  
STA 105+71.99  
137.92' RT

**STATE OF TEXAS**  
VOLUME 455, PAGE 428  
D.R.R.C.C.T.  
RIGHT-OF-WAY EASEMENT  
STATE OF TEXAS  
PAGE 39

**STATE OF TEXAS**  
VOLUME 455, PAGE 981  
P.R.C.C.T.  
10' DRAINAGE AND  
UTILITY EASEMENT  
CABINET J, PAGE 981  
P.R.C.C.T.

**STATE OF TEXAS**  
VOLUME 393, PAGE 353  
D.R.R.C.C.T.  
25' EASEMENT  
SOL WESTERN BELL  
TELEPHONE COMPANY  
VOLUME 393, PAGE 353  
D.R.R.C.C.T.

**STATE OF TEXAS**  
VOLUME 455, PAGE 981  
P.R.C.C.T.  
35' BUILDING LINE  
CABINET J, PAGE 981  
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P.R.C.C.T.  
15' UTILITY EASEMENT  
CABINET J, PAGE 981  
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LOT 6  
BLOODDALE ESTATES  
CABINET J, PAGE 981  
P.R.C.C.T.

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P.R.C.C.T.  
LOT 7  
BLOODDALE ESTATES  
CABINET J, PAGE 981  
P.R.C.C.T.

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P.R.C.C.T.  
60' RIGHT-OF-WAY  
DEDICATION  
CABINET J, PAGE 981  
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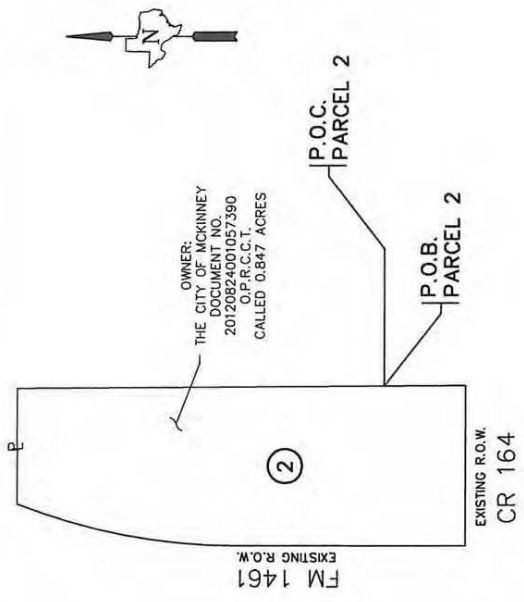
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PARENT TRACT INSERT  
(NOT TO SCALE)

AREA TABLE (ACRES)		
EXISTING	ACQUISITION	REMAINDER (CALCULATED)
	LEFT	RIGHT
0.847 (DEED)	0.8506	-
		0.000



A PLAT OF A SURVEY OF  
PARCEL 2 FOR FM 1461  
R.O.W. C.S.J. 1392-03-015  
(0.8506 AC.) PARCEL OF LAND  
IN THE JOEL F STEWART SURVEY  
ABSTRACT NUMBER 838  
CITY OF MCKINNEY &  
CITY OF MCKINNEY  
EXTRA TERRITORIAL JURISDICTION  
COLLIN COUNTY, TEXAS  
APRIL 26, 2019



SHAUN MARVIN PIEPKORN R.P.L.S.  
TEXAS REGISTRATION NO. 6432

NOTES:

- THE BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM (NAD 83), 2011 ADJUSTMENT, EPOCH 2010. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE, UNLESS OTHERWISE NOTED. ALL DISTANCES WERE CONVERTED TO FEET BY DIVIDING BY THE TYPICAL CONVERSION FACTOR OF 1.000192710. UNIT OF MEASURE IS U.S. SURVEY FEET.
- THIS MONUMENT MAY BE REPLACED BY TYPED TYPE II. RIGHT-OF-WAY CORNER FROM THE HIGHWAY ACQUISITION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR EITHER EMPLOYED OR RETAINED BY TxDOT.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A RELEVANT REPORT. THERE MAY BE EASEMENTS OF RECORD THAT AFFECT.
- A LEGAL DESCRIPTION OF SAME DATE ACCOMPANIES THIS PLAT.
- ALL STATIONS AND OFFSETS SHOWN ARE CALCULATED RELATIVE TO THE PROJECT CENTERLINE (FM 1461 CENTERLINE).

LEGEND:

- SURVEY LINE
- EXISTING TxDOT R.O.W. LINE
- PROPERTY LINE
- NEW CENTERLINE
- NEW R.O.W. LINE
- NEW TxDOT EASEMENT LINE
- EXISTING EASEMENT LINE
- BROKEN LINE
- LAND HOOK (SAME OWNER)
- TxDOT TYPE I MONUMENT FOUND (UNLESS OTHERWISE NOTED)
- MONUMENT FOUND (SIZE & TYPE NOTED)
- CALCULATED POINT
- 5/8" IRON ROD WITH A PINK 1-3/4" PLASTIC CAP STAMPED "TxDOT SURVEY MARKER RIGHT OF WAY MONUMENT" SET (UNLESS OTHERWISE NOTED)
- (CM)
- DEED RECORDS OF COLLIN COUNTY, TEXAS
- EASEMENT
- FARM TO MARKET ROAD
- OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
- PLAT RECORDS OF COLLIN COUNTY, TEXAS
- POINT OF BEGINNING
- POINT OF COMMENCING
- RIGHT-OF-WAY
- SQUARE FEET
- STATE HIGHWAY
- CONTROLLING MONUMENT
- (E) D.R.C.C.T.
- (E) FM
- (E) LT
- (E) O.P.R.C.C.T.
- (E) P.R.C.C.T.
- (E) P.O.B.
- (E) P.O.C.
- (E) R.O.W.
- (E) SQ. FT.
- (E) SH