

RESOLUTION NO. 2022-07-_____ (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 SANITARY SEWER, ACCESS AND TEMPORARY CONSTRUCTION EASEMENTS ASSOCIATED WITH THE HONEY CREEK SANITARY SEWER TRUNK MAIN PROJECT (WW1638); 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 Honey Creek Sanitary Sewer Trunk Main Project (WW1638), the location of which is 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 Sanitary Sewer, Access and Temporary Construction Easements, as described on Exhibit A, Tract I, Tract II and Tract III, 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 Honey Creek Sanitary Sewer Trunk Main Project (WW1638).
- 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 Honey Creek Sanitary Sewer Trunk Main Project (WW1638), 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 that certain lot, tract or parcel of land described in Exhibit A, Tract I, Tract II and Tract III.
- 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 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 19th DAY OF JULY 2022.

CITY OF MCKINNEY, TEXAS:

GEORGE C. FULLER
Mayor

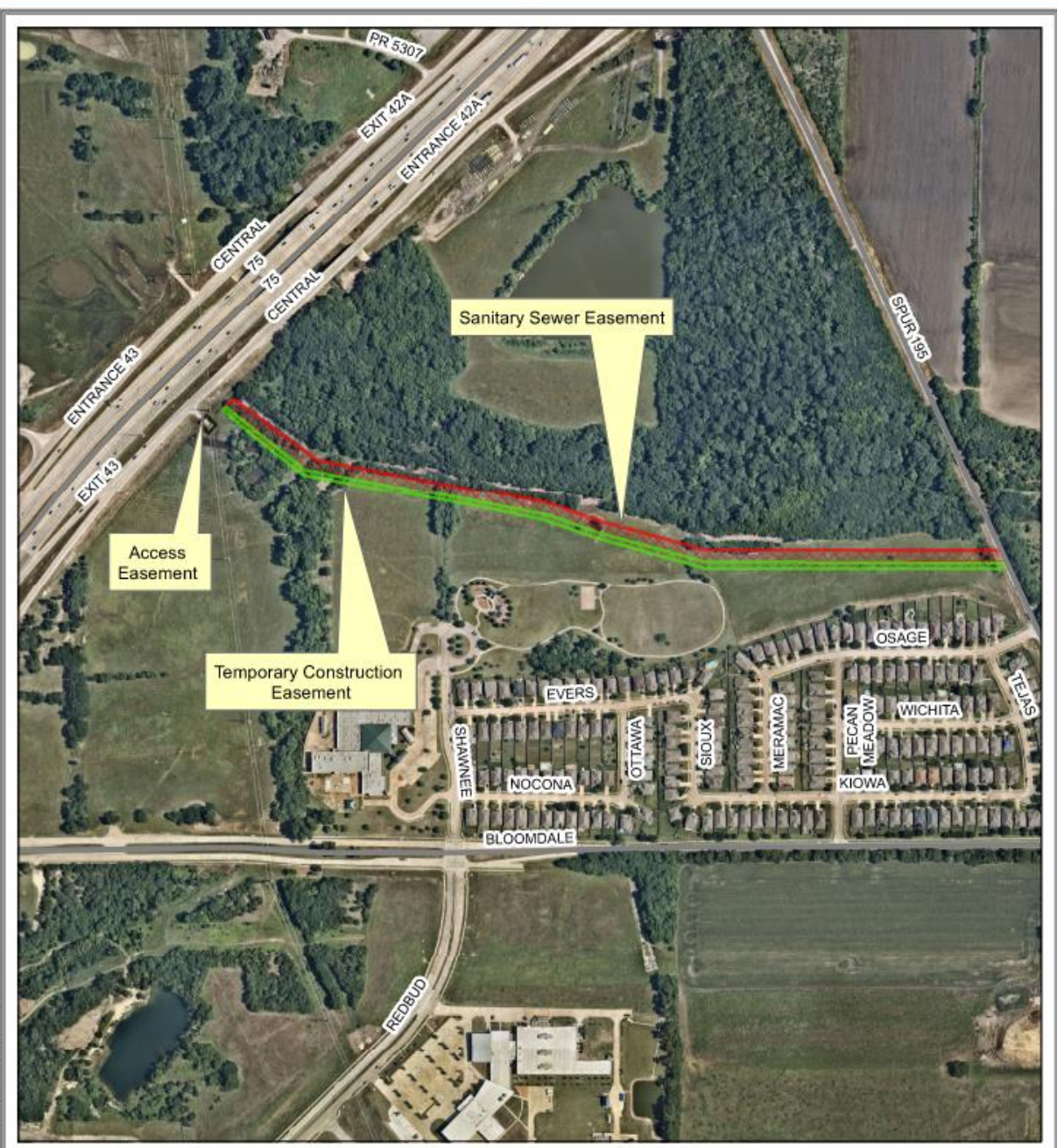
ATTEST:

EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT "B" Location Map

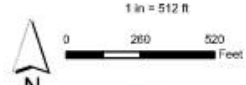


Document Path: Y:\GIS\GIS\Projects\Map\GIS\LocationMap\Dev_Screen\Notification_Map.mxd



Location Map Exhibit "B" Honey Creek Sanitary Sewer Trunk Main Project Sanitary Sewer Access and Temporary Construction Easements

Source: City of McKinney GIS
Date: 6/29/2022






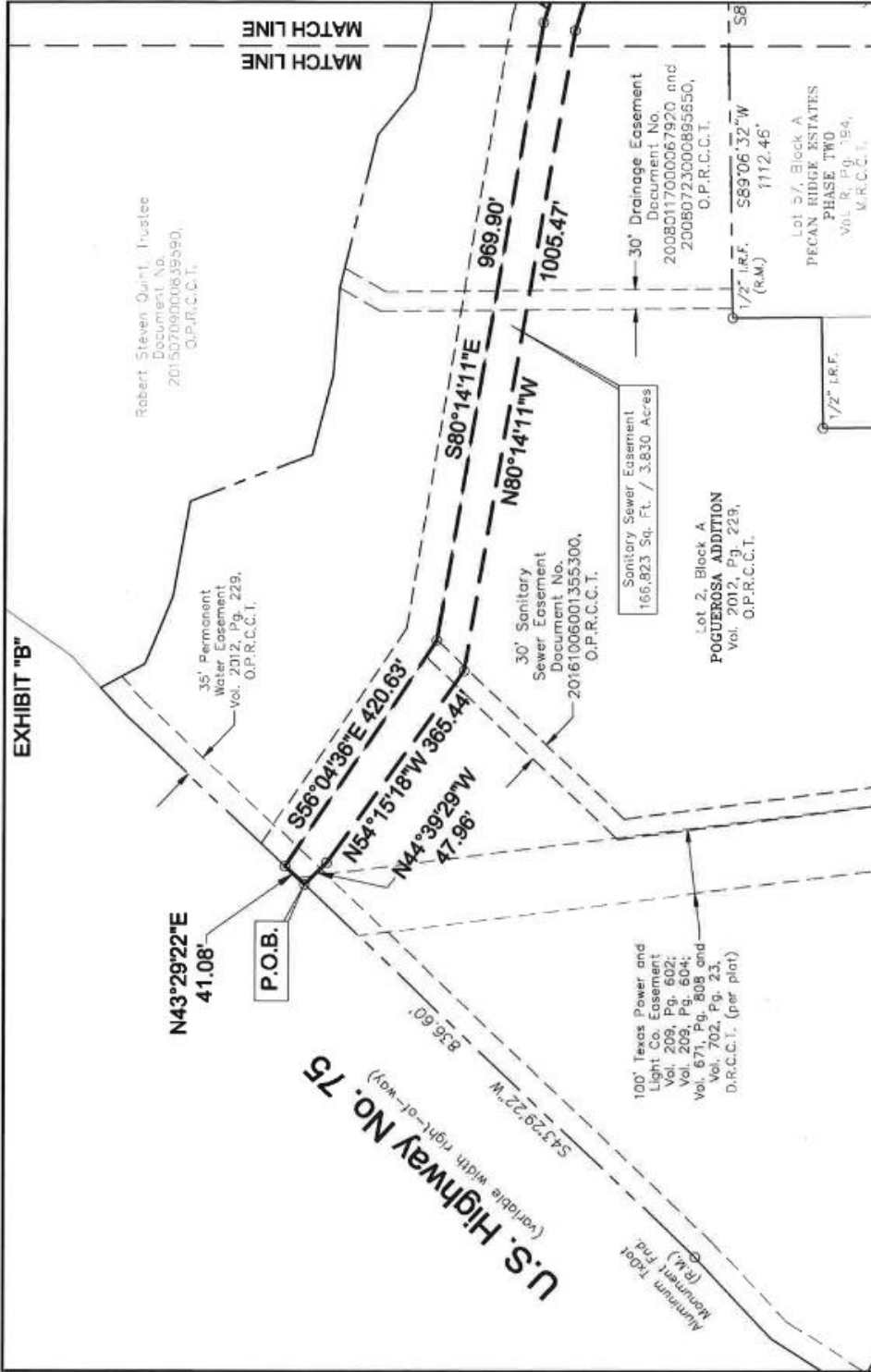
DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.



EXHIBIT "A"

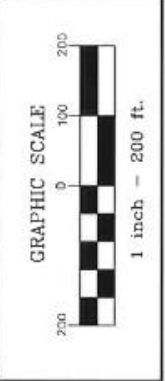

Depiction and Description of Fee Simple Right of Way

<p>EXHIBIT "A" SANITARY SEWER EASEMENT CITY OF MCKINNEY, COLLIN COUNTY, TEXAS</p>		<p>Tract I</p>										
<p>Being a tract of land, situated in the Meredith Hart Survey, Abstract No. 371, in the City of McKinney, Collin County, Texas, and being a part of Lot 2, Block A, of POGUEROSA ADDITION, an addition to the City of McKinney, as recorded in Volume 2012, Page 229, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said tract being more particularly described, as follows:</p> <p>BEGINNING at a point for corner, in the northwesterly line of said Lot 2, same being in the southeasterly monumented line of U.S. Highway No. 75, from which an aluminum TxDot monument found at an angle point bears, South 43°29'22" West, a distance of 836.60';</p> <p>THENCE North 43°29'22" East, along the southeasterly monumented line of U.S. Highway No. 75, a distance of 41.08' to a point for corner;</p> <p>THENCE over and across said Lot 2, the following courses and distances:</p> <p style="padding-left: 40px;">South 56°04'36" East, a distance of 420.63' to a point for corner;</p> <p style="padding-left: 40px;">South 80°14'11" East, a distance of 969.90' to a point for corner;</p> <p style="padding-left: 40px;">South 72°11'49" East, a distance of 592.25' to a point for corner;</p> <p style="padding-left: 40px;">South 88°47'45" East, a distance of 1128.21' to a point for corner;</p> <p style="padding-left: 40px;">North 84°55'51" East, a distance of 19.17' to a point for corner;</p> <p style="padding-left: 40px;">South 25°03'24" East, a distance of 50.00' to a point for corner;</p> <p style="padding-left: 40px;">South 64°55'51" West, a distance of 30.83' to a point for corner;</p> <p style="padding-left: 40px;">North 89°24'19" West, a distance of 1107.70' to a point for corner;</p> <p style="padding-left: 40px;">North 72°11'49" West, a distance of 637.29' to a point for corner;</p> <p style="padding-left: 40px;">North 80°14'11" West, a distance of 1005.47' to a point for corner;</p> <p style="padding-left: 40px;">North 54°15'18" West, a distance of 365.44' to a point for corner;</p> <p style="padding-left: 40px;">North 44°39'29" West, a distance of 47.96' to the POINT OF BEGINNING and containing 166,823 square feet or 3.830 acres of land, more or less.</p>												
 												
<p>Bearings and distances (surface values) are based on the Texas State Plane Coordinate System, North Central Zone (4202), NAD83. Surface to grid conversion factor is 0.999850404.</p>												
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">DATE:</td><td style="padding: 2px;">07/26/2021</td></tr> <tr><td style="padding: 2px;">REVISED:</td><td style="padding: 2px;"></td></tr> <tr><td style="padding: 2px;">SCALE:</td><td style="padding: 2px;">1" = 200'</td></tr> <tr><td style="padding: 2px;">CHK'D. BY:</td><td style="padding: 2px;">M.B.A.</td></tr> <tr><td style="padding: 2px;">JOB NO.:</td><td style="padding: 2px;">2020-0075</td></tr> </table>	DATE:	07/26/2021	REVISED:		SCALE:	1" = 200'	CHK'D. BY:	M.B.A.	JOB NO.:	2020-0075	<p>SANITARY SEWER EASEMENT 3.830 ACRES MEREDITH HART SURVEY ABSTRACT NO. 371 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS</p>	 <p>North Texas Surveying, L.L.C. Registered Professional Land Surveyors 1010 West University Drive McKinney, Tx 75069 Ph. (469) 424-2074 Fax: (469) 424-1987 www.northtexassurveying.com Firm Registration No. 10074200</p>
DATE:	07/26/2021											
REVISED:												
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CHK'D. BY:	M.B.A.											
JOB NO.:	2020-0075											



DATE:	07/26/2021
REVISIONS:	
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CHK'D BY:	M.B.A.
JOB NO.:	2020-0075

SANITARY SEWER EASEMENT
3.830 ACRES
MEREDITH HART SURVEY
ABSTRACT NO. 371
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) 424-1987
www.northtexasurveying.com
Firm Registration No. 10074500

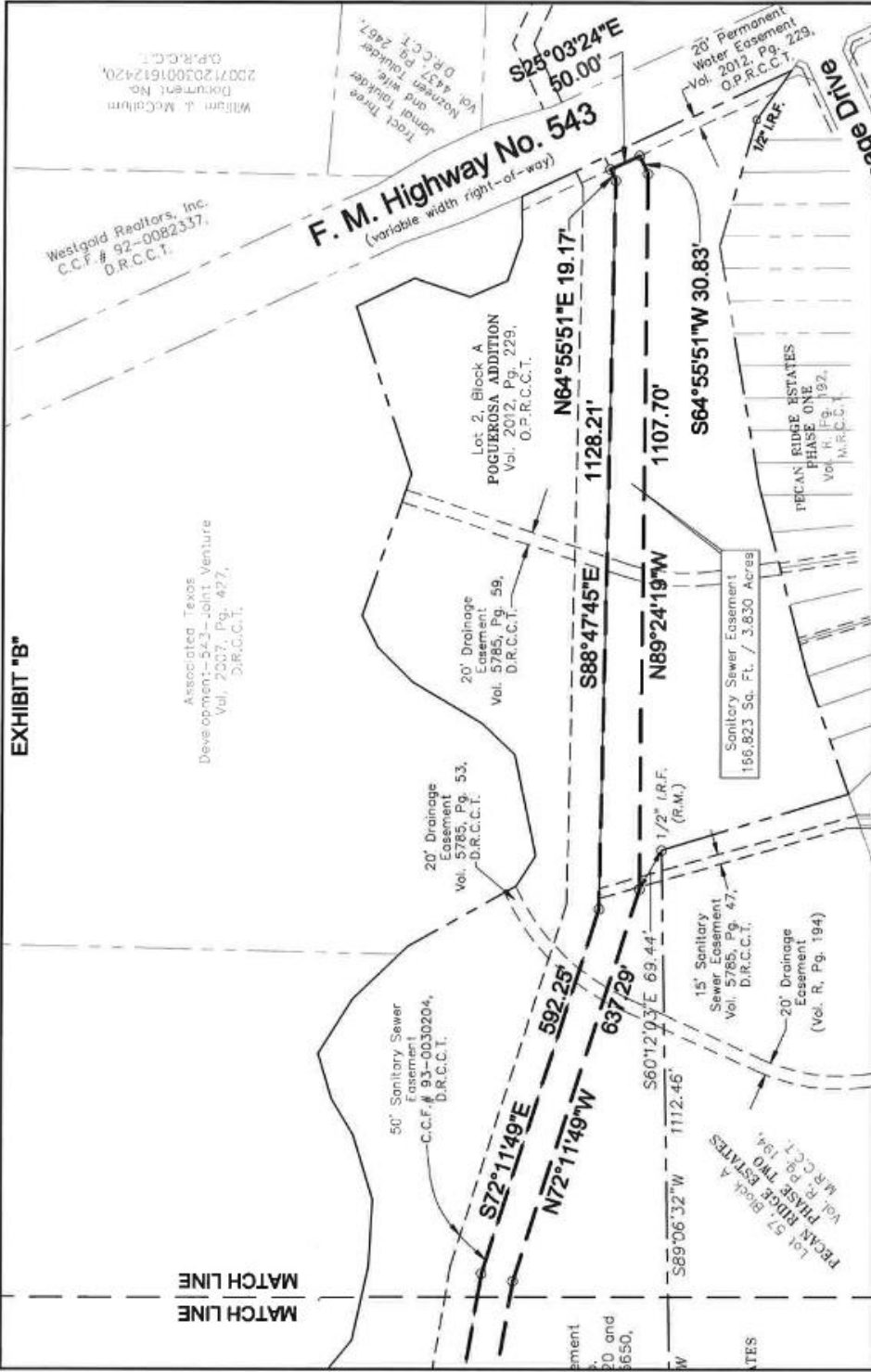


EXHIBIT "B"

Westgold Reditors, Inc.
C.C.F. # 92-0082337,
D.R.C.C.T.

Associated Texas
Development - 342 - Joint Venture
Vol. 2537, Pg. 427,
D.R.C.C.T.

F. M. Highway No. 543
(variable width right-of-way)

Lot 2, Block A
POQUEROSA ADDITION
Vol. 2012, Pg. 229,
O.P.R.C.C.T.

20' Drainage
Easement
Vol. 5785, Pg. 53,
D.R.C.C.T.

20' Drainage
Easement
Vol. 5785, Pg. 47,
D.R.C.C.T.

15' Sanitary
Sewer Easement
Vol. 5785, Pg. 47,
D.R.C.C.T.

20' Drainage
Easement
(Vol. R, Pg. 194)

Sanitary Sewer Easement
156,823 Sq. Ft. / 3.630 Acres

PECAN RIDGE ESTATES
PHASE ONE
Vol. 192, Pg. 192,
D.R.C.C.T.

Lot 57 Block A
PECAN RIDGE ESTATES
Vol. R, Pg. 194,
D.R.C.C.T.

20' Permanent
Water Easement
Vol. 2012, Pg. 229,
O.P.R.C.C.T.

William J. McCullum
Document No.
20071203001612420,
O.P.R.C.C.T.

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.northtexasurveying.com
Firm Registration No. 10074200

GRAPHIC SCALE

1 inch = 200 ft.

SANITARY SEWER EASEMENT
3.830 ACRES
MEREDITH HART SURVEY
ABSTRACT NO. 371
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

DATE:	07/26/2021
REVISIONS:	
SCALE:	1" = 200'
CHK'D. BY:	M.B.A.
JOB NO.:	2020-0075

**EXHIBIT "A"
PERMANENT ACCESS EASEMENT
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS**

Tract II

Being a tract of land, situated in the Meredith Hart Survey, Abstract No. 371, in the City of McKinney, Collin County, Texas, and being a part of Lot 2, Block A, of **POGUEROSA ADDITION**, an addition to the City of McKinney, as recorded in Volume 2012, Page 229, 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 the northwesterly line of said Lot 2, same being in the southeasterly monumented line of U.S. Highway No. 75, from which an aluminum TxDot monument found at an angle point bears, South 43°29'22" West, a distance of 754.22';

THENCE North 43°29'22" East, along the southeasterly monumented line of U.S. Highway No. 75, a distance of 20.00' to a point for corner;

THENCE over and across said Lot 2, the following courses and distances:

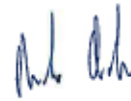
South 47°33'26" East, a distance of 17.05' to a point for corner, being at the beginning of a curve to the left, having a radius of 99.82', a central angle of 71°07'17", and a chord which bears, South 82°58'52" East, a chord distance of 116.11';

Thence along said curve to the left, in a southeasterly direction, an arc length of 123.91' to a point for corner;


South 54°15'18" East, a distance of 21.78' to a point for corner, being at the beginning of a curve to the right, having a radius of 119.82', a central angle of 75°38'26", and a chord which bears, North 85°14'44" West, a chord distance of 146.95';

Thence along said curve to the right, in a northwesterly direction, an arc length of 158.19' to a point for corner;

North 47°33'26" West, a distance of 17.37' to the **POINT OF BEGINNING** and containing 3,166 square feet or 0.073 acres of land, more or less.



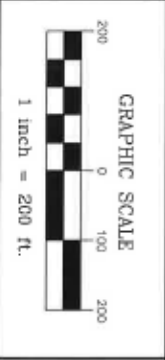

Bearings and distances (surface values) are based on the Texas State Plane Coordinate System, North Central Zone (4202), NAD83. Surface to grid conversion factor is 0.999850404.

DATE:	09/20/2021	PERMANENT ACCESS EASEMENT 0.073 ACRES MEREDITH HART SURVEY ABSTRACT NO. 371 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.northtexasurveying.com Firm Registration No. 10074200
REVISED:			
SCALE:	1" = 200'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2020-0075		

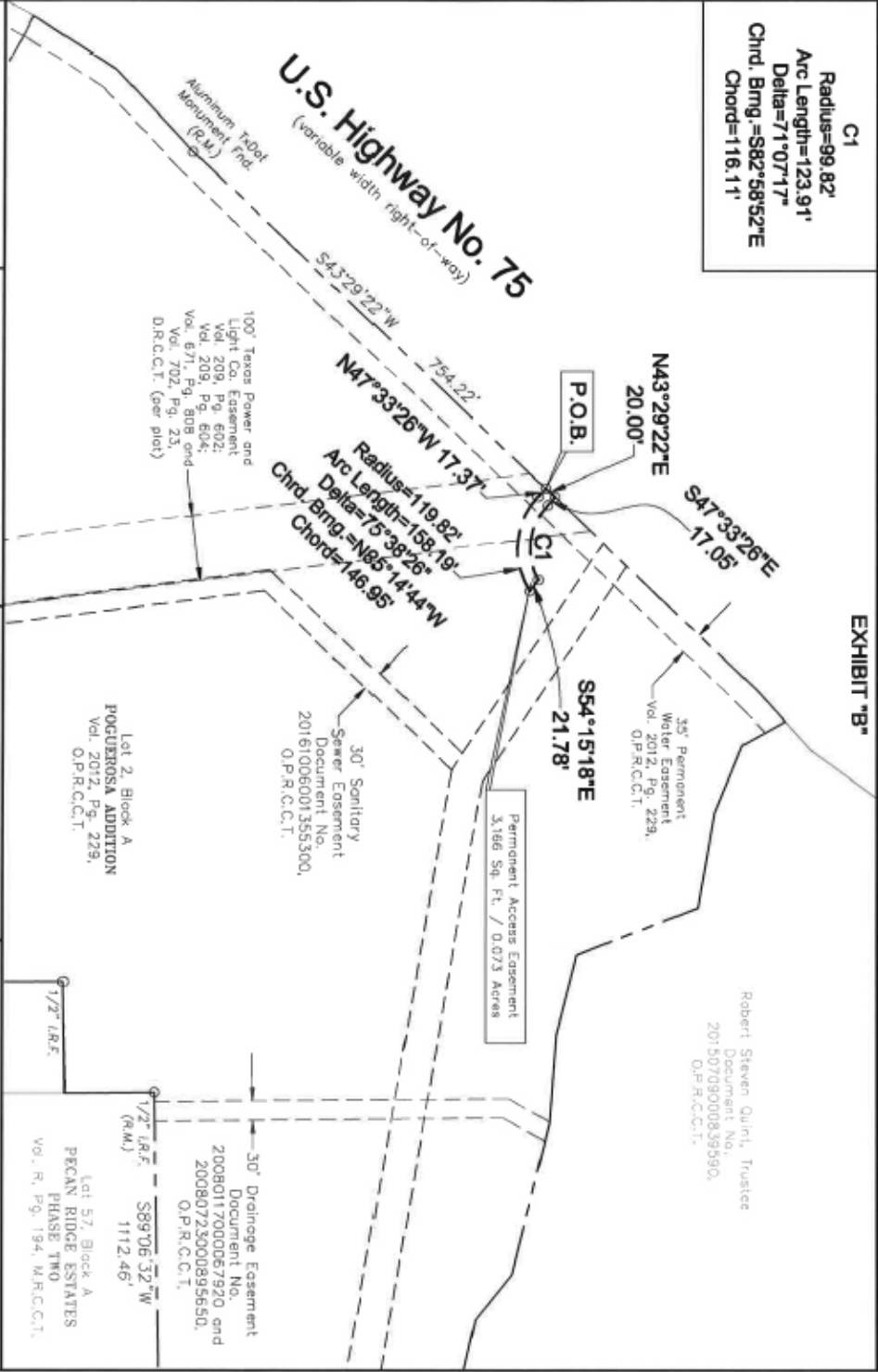
C1
 Radius=99.82'
 Arc Length=123.91'
 Delta=71°07'17"
 Chrd. Bng.=S82°58'52"E
 Chord=116.11'

DATE: 09/20/2021
 REVISED:
 SCALE: 1" = 200'
 CHK'D. BY: M.B.A.
 JOB NO.: 2020-0075

PERMANENT ACCESS EASEMENT
 0.073 ACRES
MEREDITH HART SURVEY
 ABSTRACT NO. 371
 CITY OF MCKINNEY,
 COLLIN COUNTY, TEXAS



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 McKinney, Tx. 75069
 Ph. (469) 424-2074 Fax: (469) 424-1997
 www.northtexasurveying.com
 Firm Registration No. 10074200



**EXHIBIT "A"
TEMPORARY CONSTRUCTION
EASEMENT
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS**

Tract III

Being a tract of land, situated in the Meredith Hart Survey, Abstract No. 371, in the City of McKinney, Collin County, Texas, and being a part of Lot 2, Block A, of **POGUEROSA ADDITION**, an addition to the City of McKinney, as recorded in Volume 2012, Page 229, 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 the northwesterly line of said Lot 2, same being in the southeasterly monumented line of U.S. Highway No. 75, from which an aluminum TxDot monument found at an angle point bears, South 43°29'22" West, a distance of 816.59';

THENCE North 43°29'22" East, along the southeasterly monumented line of U.S. Highway No. 75, a distance of 20.01' to a point for corner;

THENCE over and across said Lot 2, the following courses and distances:

South 56°04'36" East, a distance of 365.44' to a point for corner;

South 80°14'11" East, a distance of 1005.47' to a point for corner;

South 72°11'49" East, a distance of 637.29' to a point for corner;

South 88°47'45" East, a distance of 1107.70' to a point for corner;

North 64°55'51" East, a distance of 30.83' to a point for corner;

South 25°03'24" East, a distance of 20.00' to a point for corner;

South 64°55'51" West, a distance of 35.38' to a point for corner;

North 89°24'19" West, a distance of 1115.28' to a point for corner;

North 72°11'49" West, a distance of 638.91' to a point for corner;

North 80°14'11" West, a distance of 1008.68' to a point for corner;

North 54°15'18" West, a distance of 371.73' to a point for corner;

North 44°39'29" West, a distance of 49.00' to the **POINT OF BEGINNING** and containing 64,134 square feet or 1.472 acres of land, more or less.



Bearings and distances (surface values) are based on the Texas State Plane Coordinate System, North Central Zone (4202), NAD83. Surface to grid conversion factor is 0.999850404.


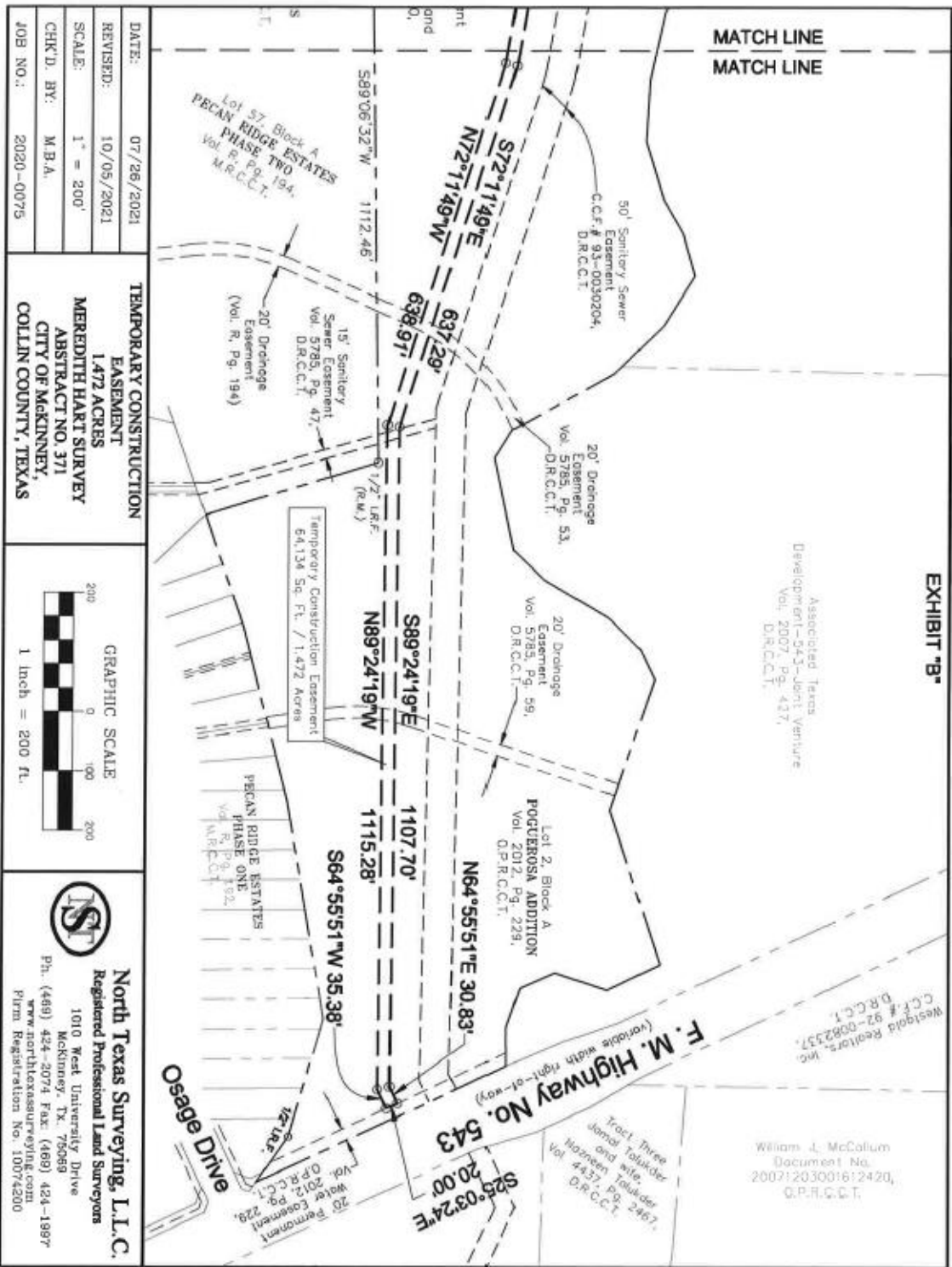
DATE:	07/26/2021	TEMPORARY CONSTRUCTION EASEMENT 1.472 ACRES MEREDITH HART SURVEY ABSTRACT NO. 371 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS	 North Texas Surveying, L.L.C. Registered Professional Land Surveyors 1010 West University Drive McKinney, Tx. 75089 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexasurveying.com Firm Registration No. 10074200
REVISED:	10/05/2021		
SCALE:	1" = 200'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2020-0075		

EXHIBIT 'B'

MATCH LINE
MATCH LINE

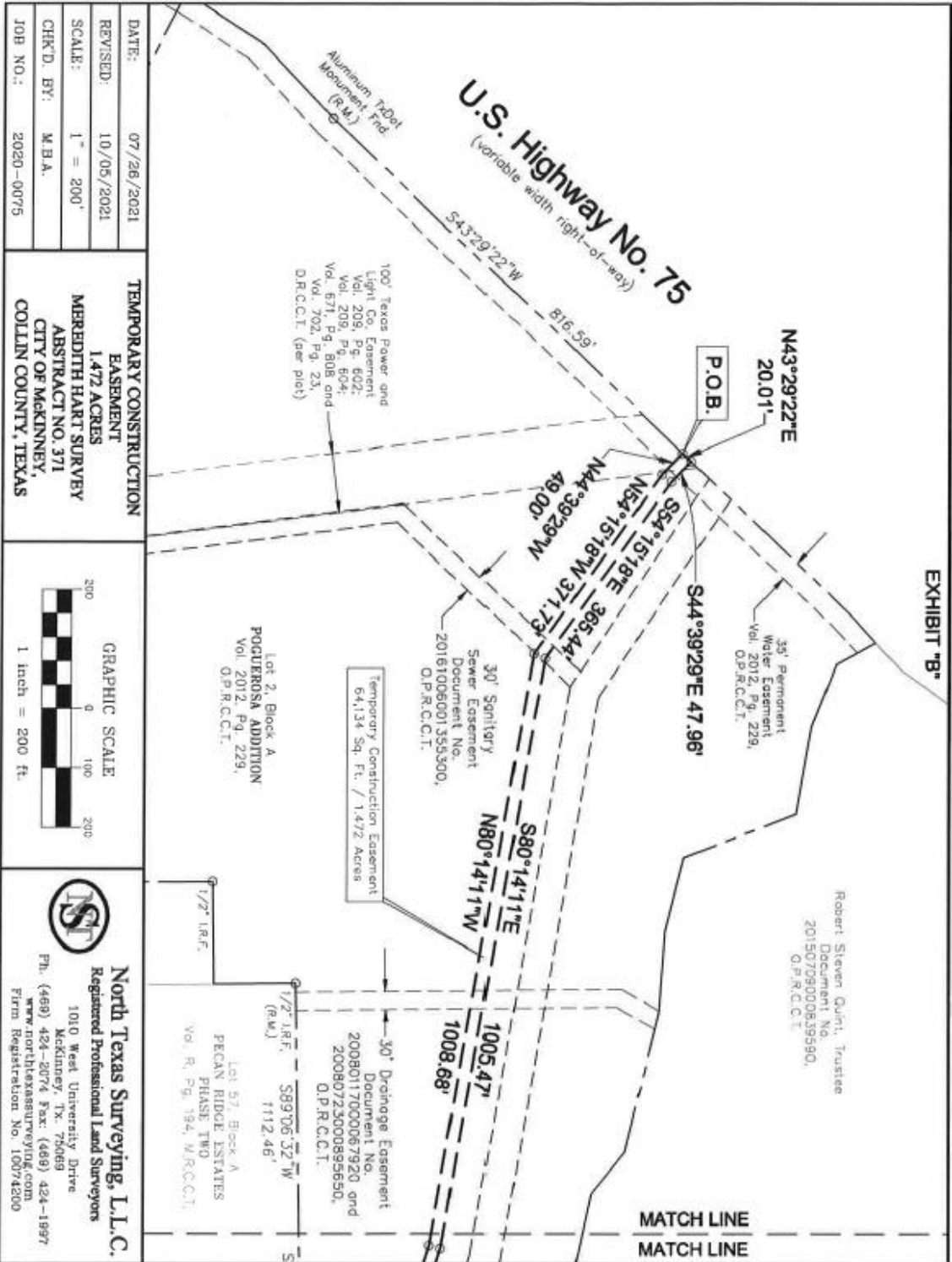


DATE: 07/26/2021
 REVISED: 10/05/2021
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 CRED. BY: M.B.A.
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TEMPORARY CONSTRUCTION EASEMENT
 1.472 ACRES
 MEREDITH HART SURVEY
 ABSTRACT NO. 371
 CITY OF MCKINNEY,
 COLLIN COUNTY, TEXAS



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DATE: 07/26/2021
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TEMPORARY CONSTRUCTION EASEMENT
 1.472 ACRES
MEREDITH HART SURVEY
ABSTRACT NO. 371
CITY OF MCKINNEY,
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