

**RESOLUTION NO. 2013-08-\_\_\_\_\_ (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY FOR PUBLIC USE BY EMINENT DOMAIN FOR A DRAINAGE EASEMENT FOR THE CONSTRUCTION, ACCESS AND MAINTENANCE ASSOCIATED WITH THE FM 543 REALIGNMENT PROJECT COMMENCING FROM US 75 CONTINUING NORTHWESTERLY FOR APPROXIMATELY 2400 FEET; AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING THE DRAINAGE EASEMENT ON SAID PROPERTY, 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 FM 543 Realignment Project, from US 75 continuing northwesterly for approximately 2400 feet, the location of which is generally set forth in the map attached hereto as Exhibit A; and

**WHEREAS**, the City Council has considered this project and has determined that a public necessity exists for the acquisition of a drainage easement, as described on Exhibit B, 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 FM 543 Realignment 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 FM 543 Realignment Project and to acquire the necessary Property in that certain tract or parcel 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 B.
- Section 4. That the City Manager 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 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 designate 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 owner and interested party of the subject Property, a proceeding 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 5<sup>th</sup> DAY OF AUGUST 2013.**

CITY OF MCKINNEY, TEXAS

---

BRIAN LOUGHMILLER, Mayor

ATTEST:

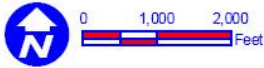
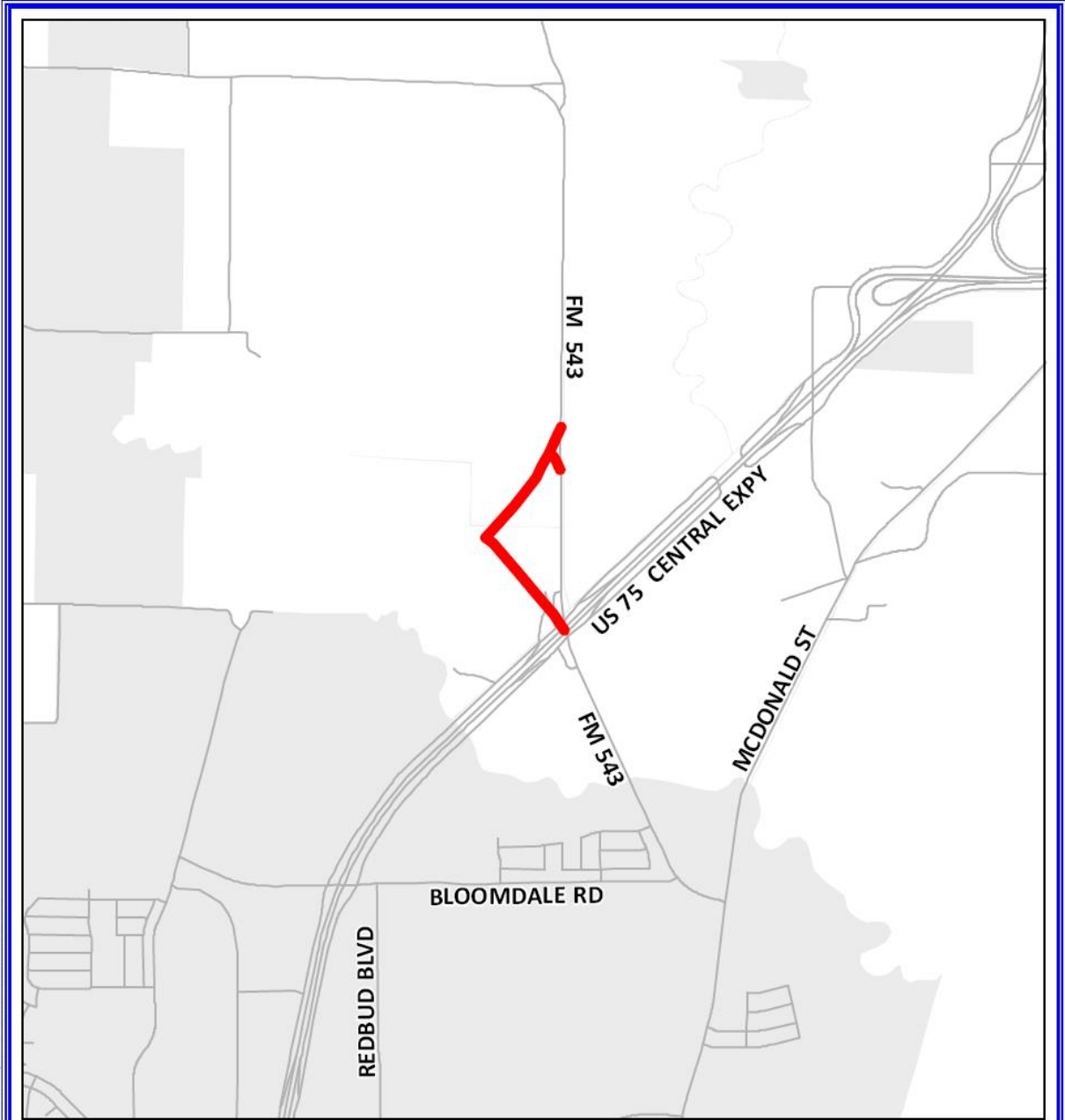
---

SANDY HART, TRMC, MMC  
City Secretary  
BLANCA GARCIA  
Deputy City Secretary

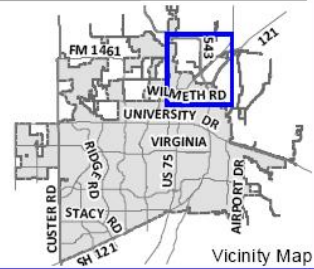
APPROVED AS TO FORM:

---

MARK S. HOUSER  
City Attorney



**Exhibit A**  
**ST6091 - FM 543 Alignment**



Path: Y:\GIS\IS\Work\A\Green\Engineering\Location maps\FM 543\FM 543 ST6091.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"**  
**Depiction and Description of Drainage Easement on Sadeghian Property**

**EXHIBIT "A"**  
**DRAINAGE EASEMENT**  
**MEREDITH HART SURVEY, ABST. NO. 371**  
**CITY OF MCKINNEY, COLLIN COUNTY, TEXAS**

EASEMENT DESCRIPTION

BEING a 0.0778 acre tract of land situated in the Meredith Hart Survey, Abstract Number 371, in the City of McKinney, Collin County, Texas, and being a portion of that certain called 12.03 acre tract of land conveyed to Masoud Sadeghian according to the General Warranty Deed as recorded in Instrument No. 20080620000751830 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), and being more particularly described as follows:

COMMENCING at a 3-1/4" aluminum disc stamped "Texas Department of Transportation ROW Monument" found for a southeast corner of the remainder of that certain called 155.1207 acre tract of land conveyed to Central & Fannin Wilson 155, LLLP according to the Special Warranty Deed as recorded in Instrument No. 20071113001536620, O.P.R.C.C.T., the southwest corner of the remainder of that certain tract of land conveyed to Elaine M. Dawson (Dawson) according to the Warranty Deed with Vendor's Lien as recorded in Volume 2874, Page 14 of the Deed Records of Collin County, Texas, the northwest corner of that certain tract of land awarded to the State of Texas for right-of-way for U.S. Highway 75 according to the instrument entitled "JUDGMENT OF COURT IN ABSENCE OF OBJECTION", State of Texas v. Elaine M. Dawson, et al, as recorded in Instrument No. 20080425000500400, O.P.R.C.C.T. and the northeast corner of that certain called 1.4938 acre tract of land conveyed to the State of Texas according to the Deed as recorded in Instrument No. 20091110001370190, O.P.R.C.C.T., from whence a 1/2" iron rod found in the most southerly east line of said Central & Fannin Wilson 155, LLLP remainder tract, for the northwest corner of said Dawson remainder tract, bears N 01°33'41" E, 611.87 feet;

THENCE S 46°00'38" W, with the southeast line of said Central & Fannin Wilson 155, LLLP remainder tract and the northwest line of said State of Texas called 1.4938 acre tract, 99.29 feet;

THENCE S 39°44'26" W, continuing with the southeast line of said Central & Fannin Wilson 155, LLLP remainder tract and the northwest line of said State of Texas called 1.4938 acre tract, 605.97 feet to point in the most westerly south line of said Central & Fannin Wilson 155, LLLP remainder tract, said point being the southwest corner of said State of Texas called 1.4938 acre tract, the northwest corner of that certain called 1.1704 acre tract of land conveyed to the State of Texas according to the Deed as recorded in Instrument No. 20070718000989200, O.P.R.C.C.T. and the northeast corner of the aforementioned Masoud Sadeghian tract, from whence a 3-1/4" aluminum disc stamped "Texas Department of Transportation ROW Monument" found for corner at an angle point in the common southeast line of said Masoud Sadeghian tract and the northwest line of said State of Texas called 1.1704 acre tract bears S 39°42'14" W (deed-S 39°43'00" W), 200.30 feet;

THENCE N 88°45'18" W (deed-S 89°00'00" E), with the common north line of said Masoud Sadeghian tract and the most westerly south line of said Central & Fannin Wilson 155, LLLP remainder tract, 532.32 feet;

THENCE N 88°57'18" W (deed-S 89°00'00" E), continuing with the common north line of said Masoud Sadeghian tract and the most westerly south line of said Central & Fannin Wilson 155, LLLP remainder tract, 252.20 feet;

THENCE N 89°52'18" W (deed-S 89°00'00" E), continuing with the common north line of said Masoud Sadeghian tract and the most westerly south line of said Central & Fannin Wilson 155, LLLP remainder tract, 139.09 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner at the POINT OF BEGINNING;



NATHAN D. MAIER CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00  
Two Park Lane Place / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / Ph. (214) 739-4741

PAGE 1 OF 2

APRIL 24, 2013  
08-12-088.Z3  
8088.Z3.ES04-DRG.dwg

**EXHIBIT "A"**  
**DRAINAGE EASEMENT**  
**MEREDITH HART SURVEY, ABST. NO. 371**  
**CITY OF MCKINNEY, COLLIN COUNTY, TEXAS**

THENCE S 39°12'45" W, departing the common north line of said Masoud Sadeghian tract and the most westerly south line of said Central & Fannin Wilson 155, LLLP remainder tract, 79.54 feet to corner in the westerly line of said Masoud Sadeghian tract, said westerly line being the center of Honey Creek and also being the northeasterly line of Lot 1R, Block 1 of Collin County Justice Center, an addition to the City of McKinney, Texas according to the amending plat thereof recorded in Instrument No. 2006-598 of the Plat Records of Collin County, Texas;

THENCE N 43°17'34" W, with the westerly line of said Masoud Sadeghian tract and the northeasterly line of said Lot 1R, Block 1 of Collin County Justice Center and with the center of Honey Creek, 64.23 feet to corner;

THENCE N 52°04'32" W, continuing with the westerly line of said Masoud Sadeghian tract and the northeasterly line of said Lot 1R, Block 1 of Collin County Justice Center and with the center of Honey Creek, 24.62 feet to the common northwest corner of said Masoud Sadeghian tract and the southwest corner of said Central & Fannin Wilson 155, LLLP remainder tract;

THENCE S 89°52'18" E (deed-S 89°00'00" E), departing the center of Honey Creek and the northeasterly line of said Lot 1R, Block 1 of Collin County Justice Center and with the common north line of said Masoud Sadeghian tract and the most westerly south line of said Central & Fannin Wilson 155, LLLP remainder tract, 113.75 feet to the POINT OF BEGINNING and containing 0.0778 acres (3,391 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, Texas R.P.L.S. No. 4268  
Registered Professional Land Surveyor



**NOTES:**

Bearings for this survey are based on the Texas state plane coordinate system, NAD 83, North Central Zone 4202, referenced to City of McKinney control monuments CM06, CM08, CM10, CM12 and CM17.

This survey was performed without the benefit of a title commitment and may be subject to liens, encumbrances, easements, rights-of-way, restrictions, covenants, reservations or other conditions of record which the undersigned has not been advised of or is aware of. No additional research for easements was performed by Nathan D. Maier Consulting Engineers, Inc. in the preparation of this survey.

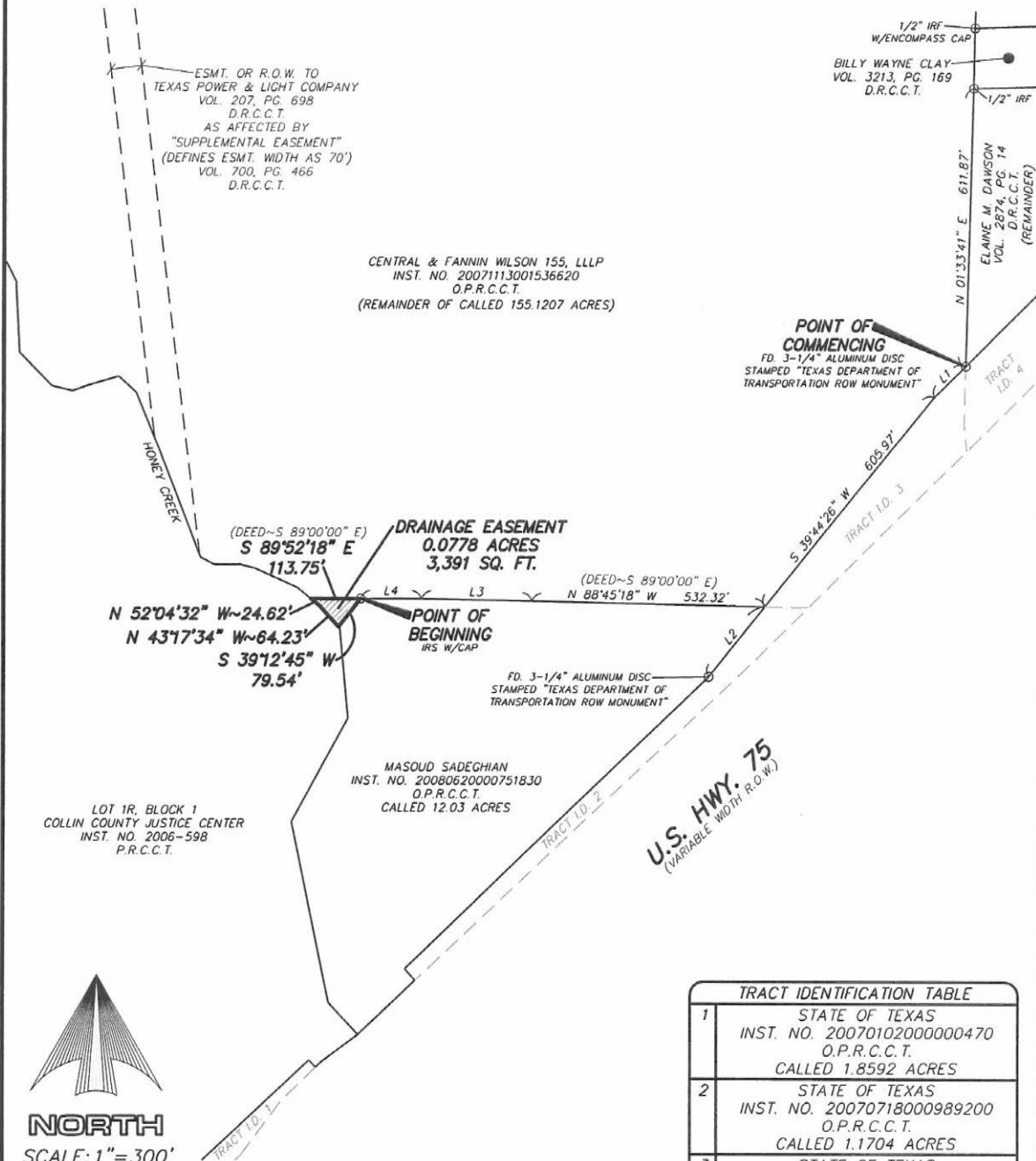
NDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00  
Two Park Lane Place / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / Ph. (214) 739-4741

PAGE 2 OF 2

APRIL 24, 2013  
08-12-088.Z3  
8088.Z3.ES04-DRG.dwg

**EXHIBIT "B"**  
**DRAINAGE EASEMENT**  
 MEREDITH HART SURVEY, ABST. NO. 371  
 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS



**ABBREVIATION LEGEND**

D.R.C.C.T. DEED RECORDS OF COLLIN COUNTY, TEXAS  
 O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS  
 P.R.C.C.T. PLAT RECORDS OF COLLIN COUNTY, TEXAS  
 INST. NO. INSTRUMENT NUMBER  
 VOL., PG. VOLUME, PAGE  
 ESMT. EASEMENT  
 R.O.W. RIGHT-OF-WAY  
 SQ. FT. SQUARE FEET  
 IPF IRON PIPE FOUND  
 IRF IRON ROD FOUND  
 OIRS W/CAP 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

**TRACT IDENTIFICATION TABLE**

1	STATE OF TEXAS INST. NO. 20070102000000470 O.P.R.C.C.T. CALLED 1.8592 ACRES
2	STATE OF TEXAS INST. NO. 20070718000989200 O.P.R.C.C.T. CALLED 1.1704 ACRES
3	STATE OF TEXAS INST. NO. 20091110001370190 O.P.R.C.C.T. CALLED 1.4988 ACRES
4	STATE OF TEXAS INST. NO. 20080425000500400 O.P.R.C.C.T. CALLED 0.8502 ACRES

**LINE TABLE**

NO.	BEARING	DISTANCE	DEED BEARING
L1	S 46°00'38" W	99.29'	----
L2	S 39°42'14" W	200.30'	S 39°43'00" W
L3	N 88°57'18" W	252.20'	S 89°00'00" E
L4	N 89°52'18" W	139.09'	S 89°00'00" E