## **RESOLUTION NO. 2023-03-\_\_\_\_(R)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY. TEXAS, AUTHORIZING THE SALE OF TWO PARCELS OF LAND LOCATED IN THE SAMUEL MCFARLAND SURVEY. ABSTRACT NO. 558 TO THE STATE OF TEXAS FOR THE CONSTRUCTION OF THE STATE HIGHWAY 5 PROJECT, WHICH PARCELS OF LAND CONSIST OF APPROXIMATELY 1.646 ACRES OF LAND LOCATED ON THE WEST SIDE OF STATE HIGHWAY 5 SOUTH OF ITS INTERSECTION WITH HARRY MCKILLOP **BOULEVARD** ("PARCEL 6"), AND APPROXIMATELY 2.943 ACRES OF LAND LOCATED ON THE EAST SIDE OF STATE HIGHWAY 5 SOUTH OF ITS INTERSECTION WITH HARRY MCKILLOP **BOULEVARD** ("PARCEL 7"), BOTH TOTALING APPROXIMATELY 4.589 ACRES OF LAND: 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 1.646 acres of land in the Samuel McFarland Survey, Abstract No. 558 ("Parcel 6"), more fully described and depicted in Exhibit "A", Tract I attached hereto and incorporated herein by reference for all purposes allowed by law; and
- WHEREAS, City owns approximately 2.943 acres of land in the Samuel McFarland Survey, Abstract No. 558 ("Parcel 7"), more fully described and depicted in Exhibit "A", Tract II 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 State Highway 5 beginning at Spur 399 to Powerhouse Drive north of US HWY/University Drive ("SH 5 Project"); and
- WHEREAS, City entered into an agreement with TxDOT to participate in right-of-way ("ROW") acquisition for the SH 5 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 SH 5 Project to begin utility relocations and roadway construction; and
- WHEREAS, TxDOT desires to acquire Parcels 6 and 7, identified herein-above and hereinafter referred to collectively as the "Property," from the City for use as ROW with the SH 5 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, the City has previously obtained appraisals prepared 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 SH 5 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.

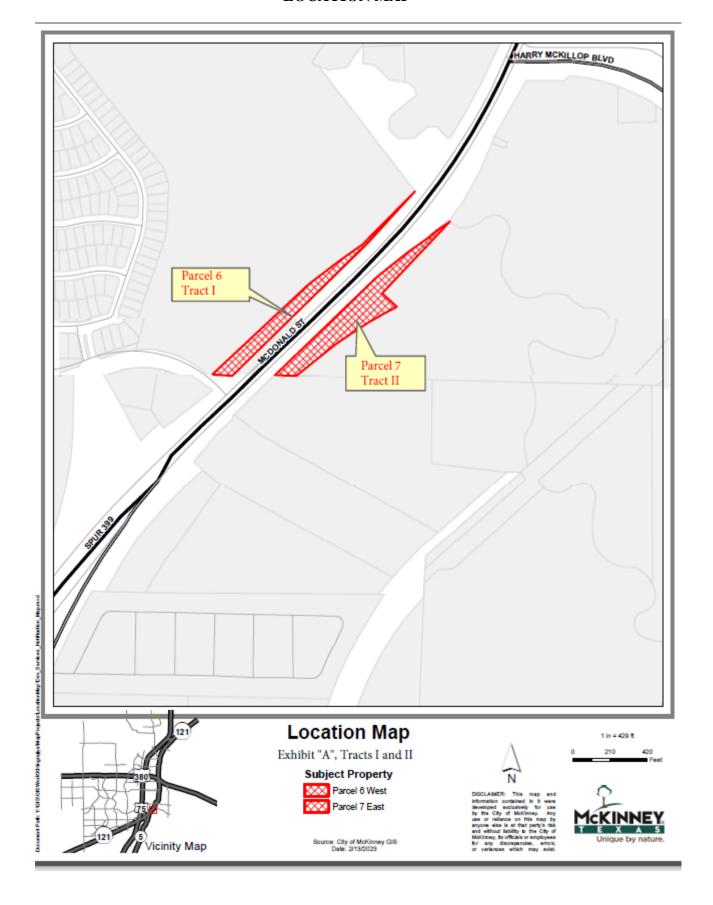
## NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS THAT:

- 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 for the total amount of Two Hundred Thirty-Nine Thousand Six Hundred Seventy-Nine and 30/100 Dollars (\$239,679.30), which amount is the appraised fair market value of the Property including additional monies for execution of the Possession and Use Agreements ("PUA") attributable to each parcel as follows:
  - a. Parcel 6 containing approximately 1.646 acres of land having a fair market value of \$73,474.00, plus PUA payment of \$3,000.00.
  - b. Parcel 7 containing approximately 2.943 acres of land having a fair market value of \$149,534.00.00, plus PUA payment of \$13,671.30.
- Section 3. The City Manager is hereby authorized to execute all documents necessary to the sale and conveyance of the Property, fully described on Exhibit "A", Tracts I and II, attached hereto, to the State of Texas for ROW to be used with the SH 5 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 21 $^{\rm st}$ day of March 2023.

|                              | CITY OF McKINNEY, TEXAS |
|------------------------------|-------------------------|
|                              | GEORGE C. FULLER        |
|                              | Mayor                   |
| ATTEST:                      |                         |
| EMPRESS DRANE City Secretary |                         |
| APPROVED AS TO FORM:         |                         |
| MARK S. HOUSER City Attorney |                         |

## **LOCATION MAP**



#### Parcel 6

## Description and Depiction of Fee Simple Right of Way

**EXHIBIT "A"** 

 County:
 Collin
 Page 1 of 6

 Highway:
 S.H. 5
 Revised November 4, 2021

Station: 75+07.22 to 89+50.30

R.O.W. CSJ: 0047-05-056

#### PROPERTY DESCRIPTION FOR PARCEL 6

DESCRIPTION OF A 71,692 SQUARE FOOT [1.646 ACRES] TRACT OF LAND LOCATED IN THE SAMUEL McFARLAND SURVEY, ABSTRACT NO. 558, CITY OF McKINNEY, COLLIN COUNTY, TEXAS, BEING PART OF A TRACT OF LAND DESCRIBED IN THE DONATION SPECIAL WARRANTY DEED TO CITY OF McKINNEY, TEXAS, RECORDED IN INSTRUMENT NUMBER 20180612000719670 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS (O.P.R.C.C.T.), AND PART OF LOT 1, BLOCK A OF THE GREENS OF McKINNEY, SECTION 2, AN ADDITION TO THE CITY OF McKINNEY, ACCORDING TO THE PLAT RECORDED IN VOLUME 2006, PAGE 171 OF THE MAP RECORDS OF COLLIN COUNTY, TEXAS, (M.R.C.C.T.), AS SHOWN ON A SKETCH PREPARED BY SAM, LLC FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a 1/2-inch iron rod found with a yellow cap stamped \*DM\* found for the southwest corner of said City of McKinney tract and said Lot 1, and being the beginning of a curve to the right in the existing north right-of-way line of Stewart Road, a variable width right-of-way;

THENCE, with the existing north right-of-way line of said Stewart Road and the south line of said City of McKinney tract and said Lot 1, with the arc of said curve to the right, an arc length of 518.19 feet, through a central angle of 46°23'26", having a radius of 640.00 feet, and whose chord bears S70°20'05"E, a distance of 504.15 feet, to a 5/8-inch iron rod with a pink plastic cap stamped "TXDOT SURVEY MARKER, RIGHT OF WAY MONUMENT" found\*\* in the proposed west right-of-way line of State Highway 5, (S.H. 5), a variable width right-of-way, for the POINT OF BEGINNING, being 172.71 feet Left of Baseline station 75+07.22 and having a Texas State Plane Coordinate system, N.A.D. 83 (1996 CORS, EPOCH 2002.0), North Central Zone (4202), surface coordinate of North 7,115,215.40, East 2,542,354.61;

- 1) THENCE N46°35'08"E, with the proposed west right-of-way line of said S.H. 5 and across said City of McKinney tract and said Lot 1, a distance of 720.97 feet to a 5/8-inch iron rod with a pink plastic cap stamped "TXDOT SURVEY MARKER, RIGHT OF WAY MONUMENT" set\*\* for corner;
- 2) THENCE N53°25'42"E, continuing with the proposed west right-of-way line of said S.H. 5 and across said City of McKinney tract and said Lot 1, a distance of 457.41 feet to a 5/8-inch iron rod with a pink plastic cap stamped "TXDOT SURVEY MARKER, RIGHT OF WAY MONUMENT" found\*\* for corner;

EXHIBIT "A"

County:

Collin

Page 2 of 6

Highway:

S.H. 5

75+07.22 to 89+50.30

Revised November 4, 2021

Station: R.O.W. CSJ:

0047-05-056

#### PROPERTY DESCRIPTION FOR PARCEL 6

- THENCE N43°13'01"E, continuing with the proposed west right-of-way line of said S.H. 5 and across said City of McKinney tract and said Lot 1, a distance of 253.77 feet to a calculated point, no monument set (falls within 36-inch hackberry tree)\*\* in the existing west right-of-way line of said S.H. 5, being 101.53 feet Left of Baseline Station 89+50.30;
- 4) THENCE S40°06'59"W, with the existing west right-of-way line of said S.H. 5 and the east line of said City of McKinney tract and said Lot 1, a distance of 168.95 feet to a calculated point for an angle point in the existing west right-of-way line of said S.H. 5
- THENCE S44°25'33"W, continuing with the existing west right-of-way line of said S.H. 5 and the east line of said City of McKinney tract and said Lot 1, a distance of 258.53 feet to a calculated point for an angle point in the existing west right-of-way line of said S.H. 5, from which a 1/2-inch iron rod found bears S45°18'27"E, a distance of 0.62 feet;
- 6) THENCE S45°58'28"W, continuing with the existing west right-of-way line of said S.H. 5 and the east line of said City of McKinney tract and said Lot 1, a distance of 931,27 feet to a 1/2-inch iron rod found for the southeast corner of said City of McKinney tract and said Lot 1, and being at the intersection of the existing west right-of-way line of said S.H. 5 and the existing north right-of-way line of said Stewart Road:
- 7) THENCE N88°32'25"W, with the existing north right-of-way line of said Stewart Road and the south line of said City of McKinney tract and said Lot 1, a distance of 99.52 feet to a 1/2-inch iron rod found for an angle point in the existing north right-of-way line of said Stewart Road and the south line of said City of McKinney tract and said Lot 1;
- 8) THENCE N46°53'01"W, continuing with the existing north right-of-way line of said Stewart Road and the south line of said City of McKinney tract and said Lot 1, a distance of 5.24 feet to a calculated point for the beginning of a curve to the left;

**EXHIBIT "A"** 

County:

Collin

Page 3 of 6 Revised November 4, 2021

Highway: Station:

S.H. 5

75+07.22 to 89+50.30

R.O.W. CSJ:

0047-05-056

#### PROPERTY DESCRIPTION FOR PARCEL 6

9) THENCE, continuing with the existing north right-of-way line of said Stewart Road and the south line of said City of McKinney tract and Lot 1, with the arc of said curve to the left, an arc length of 2.86 feet, through a central angle of 00°15'21", having a radius of 640.00 feet, and whose chord bears N47°00'42"W, a distance of 2.86 feet to the POINT OF BEGINNING and containing 71,692 square feet [1.646 acres] of land.

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

This property description is accompanied by a separate plat of even date.

All bearings are based on the Texas State Plane Coordinate System, North Central Zone, NAD 83(1996) CORS, EPOCH 2010).

All distances and coordinates shown are surface and may be converted to grid by dividing by a combined scale factor of 1.000152710 (0.99984731332).

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

That I, Eric A. Kreiner, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Dallas, Dallas County, Texas this the 4th day of November. 2021 A.D.

KREINER

SURVEYING AND MAPPING, LLC Texas Firm Registration No. 100643

1301 W. Mockingbird Lane, Suite 400

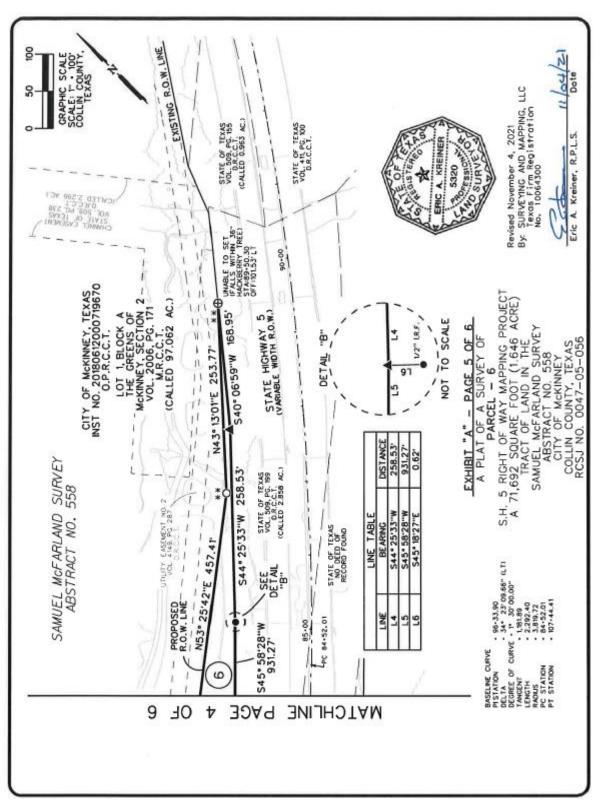
Dallas, Texas 75247

214-631-7888

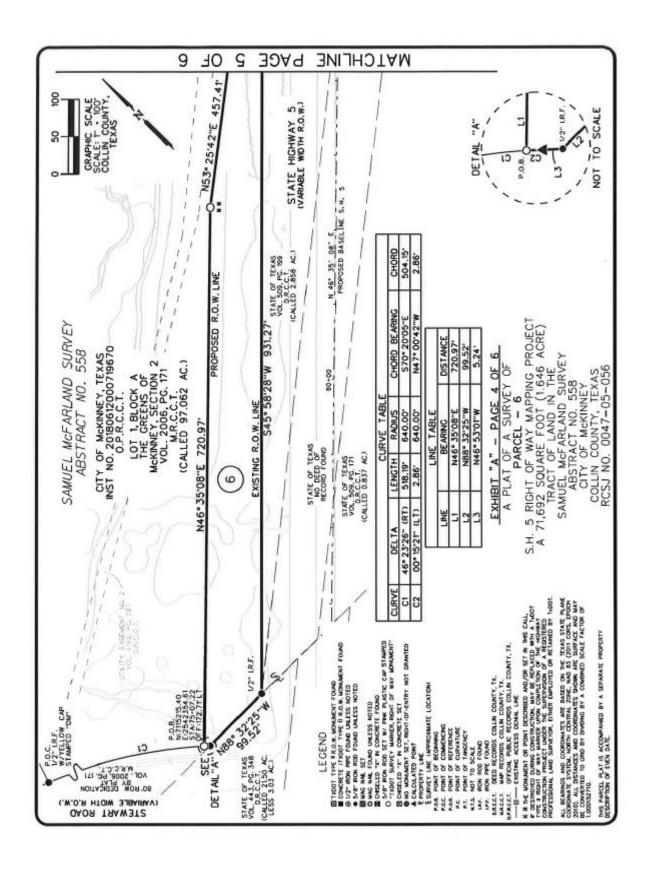
Eric A. Kreiner

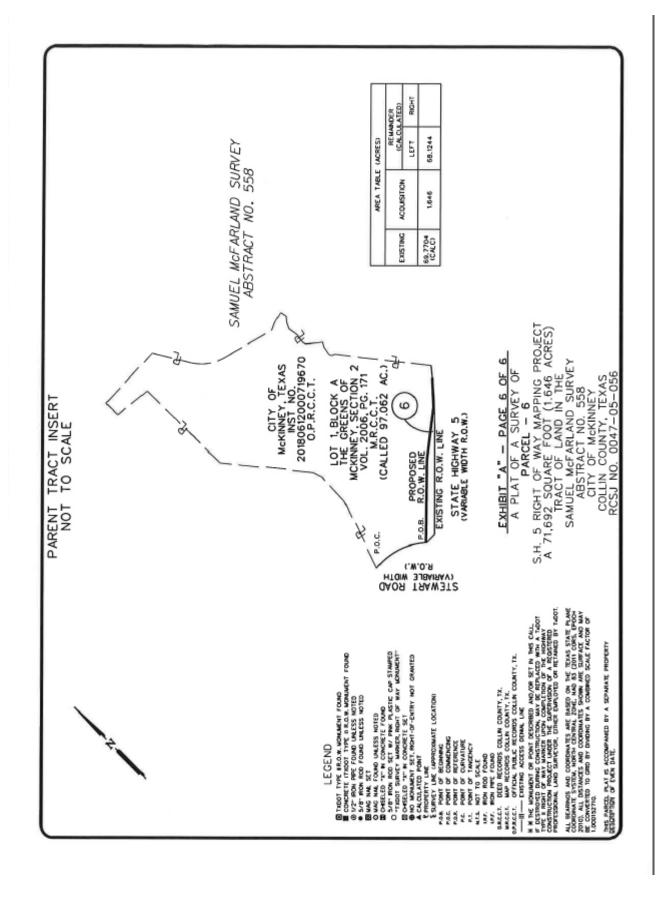
Registered Professional Land Surveyor

No. 5320 State of Texas



10





#### Parcel 7

## Description and Depiction of Fee Simple Right of Way

EXHIBIT "A"

County:

Collin

Page 1 of 6

Highway:

S.H. 5

Revised November 4, 2021

Station:

78+45.52 to 90+40.18

R.O.W. CSJ:

0047-05-056

#### PROPERTY DESCRIPTION FOR PARCEL 7

DESCRIPTION OF A 128,204 SQUARE FOOT [2.943 ACRES] TRACT OF LAND LOCATED IN THE SAMUEL McFARLAND SURVEY, ABSTRACT NO. 558, CITY OF McKINNEY, COLLIN COUNTY, TEXAS, BEING PART OF A TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY GIFT DEED TO CITY OF McKINNEY, RECORDED IN INSTRUMENT NUMBER 20070703000910230 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS (O.P.R.C.C.T.), AS SHOWN ON A SKETCH PREPARED BY SAM, LLC FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 5/8-inch iron rod with a red cap stamped "KHA" found for an angle point in the south line of said City of McKinney tract and an angle point in the north line of a tract of land described in the Special Warranty Deed to Lhoist North America of Texas, LTD., recorded in Instrument Number 20121030001377960 of said O.P.R.C.C.T., and Lot 1, Block A of Amending Plat, Creststone Addition, an addition to the City of McKinney, recorded in Clerk's File No. 2012-89 of said O.P.R.C.C.T.;

THENCE N00°49'58"E, with the south line of said City of McKinney tract and the north line of said Lhoist North America of Texas tract and said Lot 1, a distance of 468.27 feet to a calculated point for an angle point in the south line of said City of McKinney tract and the north line of said Lhoist North America of Texas tract and said Lot 1;

THENCE N88°10'23"W, continuing with the south line of said City of McKinney tract and the north line of said Lhoist North America of Texas tract and said Lot 1, a distance of 746.32 feet to a 5/8-inch iron rod with a pink plastic cap stamped "TXDOT SURVEY MARKER, RIGHT OF WAY MONUMENT" found\*\* in the proposed east right-of-way line of State Highway 5 (S.H. 5), a variable width right-of-way, for the POINT OF BEGINNING, being 175.29 feet Right of Baseline station 78+45.52 and having a Texas State Plane Coordinate system, N.A.D. 83 (1996 CORS, EPOCH 2002.0), North Central Zone (4202), surface coordinate of North 7,115,195,12, East 2,542,839,52;

1) THENCE N88°10'23"W, continuing with the south line of said City of McKinney tract and the north line of said Lhoist North America of Texas tract and said Lot 1, a distance of 141.49 feet to a 5/8-inch iron rod with a red cap stamped "KHA" found for the southwest corner of said City of McKinney tract and the northwest corner of said Lhoist North America of Texas tract and said Lot 1, also being in the existing east right-of-way line of said S.H. 5;

EXHIBIT "A"

County: Collin Highway: S.H. 5 Page 2 of 6 Revised November 4, 2021

Station: 78+45.52

78+45.52 to 90+40.18

R.O.W. CSJ: 0047-05-056

#### PROPERTY DESCRIPTION FOR PARCEL 7

- 2) THENCE N46°24'20"E, with the existing east right-of-way line of said S.H. 5 and the west line of said City of McKinney tract, a distance of 774.18 feet to a calculated point for an angle point in the existing east right-of-way line of said S.H. 5 and said City of McKinney tract;
- 3) THENCE N52°16'10"E, continuing with the existing east right-of-way line of said S.H. 5 and the west line of said City of McKinney tract, a distance of 508.35 feet to a 5/8-inch iron rod with a pink plastic cap stamped "TXDOT SURVEY MARKER, RIGHT OF WAY MONUMENT" found\*\* in the proposed east right-of-way line of said S.H. 5, being 164.29 feet Right of Baseline Station 90+40.18;
- 4) THENCE S41°57'48"W, with the proposed east right-of-way line of said S.H. 5 and across said City of McKinney tract, a distance of 274.18 feet to a 5/8-inch iron rod with a pink plastic cap stamped "TXDOT SURVEY MARKER, RIGHT OF WAY MONUMENT" set\*\* for corner;
- 5) THENCE S37°50'29"W, continuing with the proposed east right-of-way line of said S.H. 5 and across said City of McKinney tract, a distance of 242.69 feet to a 5/8-inch iron rod with a pink plastic cap stamped "TXDOT SURVEY MARKER, RIGHT OF WAY MONUMENT" found\*\* for corner;
- 6) THENCE S44°17'04"E, continuing with the proposed east right-of-way line of said S.H. 5 and across said City of McKinney tract, a distance of 105.00 feet to a calculated point, (unable to set due to debris pile), for the beginning of a curve to the left;
- 7) THENCE, continuing with the proposed east right-of-way line of said S.H. 5 and across said City of McKinney tract, with the arc of said curve to the left, an arc length of 324.62 feet, through a central angle of 07°33'17", having a radius of 2,462.00 feet, and whose chord bears S58°42'34"W, a distance of 324.39 feet to a 5/8-inch iron rod with a pink plastic cap stamped "TXDOT SURVEY MARKER, RIGHT OF WAY MONUMENT" set\*\* for the beginning of a compound curve to the left;

**EXHIBIT "A"** 

County: Highway: Collin

S.H. 5

Page 3 of 6 Revised November 4, 2021

Station:

78+45.52 to 90+40.18

R.O.W. CSJ:

0047-05-056

#### PROPERTY DESCRIPTION FOR PARCEL 7

8) THENCE continuing with the proposed east right-of-way line of said S.H. 5 and across said City of McKinney tract, with the arc of said compound curve to the left, an arc length of 354.64 feet, through a central angle of 08°13'23", having a radius of 2,471.00 feet, and whose chord bears \$53°36'09"W, a distance of 354.33 feet to the POINT OF BEGINNING and containing 128,204 square feet [2.943 acres] of land.

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

§

This property description is accompanied by a separate plat of even date.

All bearings are based on the Texas State Plane Coordinate System, North Central Zone, NAD 83(1996) CORS, EPOCH 2010).

All distances and coordinates shown are surface and may be converted to grid by dividing by a combined scale factor of 1.000152710 (0.99984731332).

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

That I, Eric A. Kreiner, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Dallas, Dallas County, Texas this the 4th day of November, 2021 A.D.

SURVEYING AND MAPPING, LLC Texas Firm Registration No. 100643

1301 W. Mockingbird Lane, Suite 40 Dallas, Texas 75247

214-631-7888

Eric A. Kreiner

Registered Professional Land Surveyor

No. 5320 State of Texas

