

**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 WATER LINE AND TEMPORARY CONSTRUCTION EASEMENTS ASSOCIATED WITH THE FM 546 AND AIRPORT BLVD. WATER LINE PROJECT (WA4339); 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 FM 546 and Airport Blvd. Water Line Project (WA4339), 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 Water Line and Temporary Construction Easements, as described on Exhibit A, Tract I and Tract II respectively, 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 546 and Airport Blvd. Water Line Project (WA4339).
- 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 546 and Airport Blvd. Water Line Project (WA4339), 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 and Tract II.
- 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 19<sup>th</sup> DAY OF JULY 2022.**

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"  
WATER LINE EASEMENT  
CITY OF MCKINNEY,  
COLLIN COUNTY, TEXAS**

**Tract I**

Being a tract of land, situated in the F. Duffau Survey, Abstract No. 287, in the City of McKinney, Collin County, Texas, and being a part of a called 10.00 acre tract of land (save and except a 3.531 acre tract), described by deed to Mo & Associate, LLC, as recorded under Document No. 20171012001364410, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said tract being more particularly described as follows:

**COMMENCING** at an aluminum monument found in the northeasterly monumented line of Harry McKillop Boulevard, same being the intersection of the northerly line of said 10.00 acre tract and the southwesterly corner of Lot 3, Block A, of **IESI-MCKINNEY ADDITION NO. 2**, an addition to the City of McKinney, as recorded in Volume 2017, Pages 727-728, O.P.R.C.C.T.;

**THENCE** South 89°40'27" East, along the common line between said 10.00 acre and Lot 3, a distance of 140.17' to the **POINT OF BEGINNING** of the herein described tract;

**THENCE** South 89°40'27" East, continuing along the common line between said 10.00 acre and Lot 3, a distance of 20.87' to a point for corner;

**THENCE** over and across said 10.00 acre tract, the following courses and distances:

South 43°43'30" East, a distance of 257.95' to a point for corner, being at the beginning of a curve to the left, having a radius of 1060.92', a central angle of 20°04'46", and a chord which bears, South 79°24'05" East, a chord distance of 369.90';

Thence along said curve to the left, in a southeasterly direction, an arc length of 371.80' to a point for corner;

North 00°33'27" East, a distance of 5.00' to a point for corner;

South 89°25'48" East, a distance of 25.50' to a point for corner;

North 45°54'52" East, a distance of 64.77' to a point for corner;

North 02°20'07" East, a distance of 112.81' to a point for corner;

North 13°35'04" East, a distance of 40.04' to a point for corner;

North 02°17'48" East, a distance of 49.46' to a point for corner in the aforementioned common line between said 10.00 acre tract and Lot 3;

**THENCE** South 89°40'27" East, along last said common line, a distance of 15.01' to a point for corner;

**THENCE** South 02°17'48" West, over and across said 10.00 acre tract a distance of 85.30' to a point for corner in the westerly monumented line of Country Lane;

**THENCE** along the westerly monumented line of Country Lane, the following courses and distances:


South 07°10'20" West, a distance of 33.61' to a point for corner;

South 02°20'07" West, a distance of 65.69' to a point for corner;

South 01°19'17" West, a distance of 25.12' to a point for corner, being at the northeasterly end of a corner clip;

**THENCE** South 45°54'52" West, along said corner clip, a distance of 81.62' to a point for corner, being at the southwesterly end of said corner clip, same being in the northerly monumented line of Harry McKillop Boulevard;

**(Continued on Sheet 2 of 3)**

DATE:	05/11/2021	<b>WATER LINE EASEMENT 0.359 ACRES D. DUFFAU SURVEY ABSTRACT NO. 287 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS</b>	 <b>North Texas Surveying, L.L.C.</b> Registered Professional Land Surveyors 1010 West University Drive McKinney, Tx. 75069 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexassurveying.com Firm Registration No. 10074200
SHEET NO.	1 OF 3		
SCALE:	1" = 100'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2019-0091		

**EXHIBIT "A"  
WATER LINE EASEMENT  
CITY OF MCKINNEY,  
COLLIN COUNTY, TEXAS**

**Tract I**

**(Continued from Sheet 1 of 3)**

**THENCE** along said northerly monumented line of Harry Killip Boulevard, the following courses and distances:

North 89°25'48" West, a distance of 33.93' to a point for corner, being at the beginning of a curve to the right, having a radius of 1075.92', a central angle of 20°15'01", and a chord which bears, North 79°18'16" West, a chord distance of 378.29';

Thence along said curve to the right, in a northwesterly direction, an arc length of 380.27' to a point for corner;

**THENCE** over and across said 10.00 acre tract, the following courses and distances:

North 43°43'30" West, a distance of 249.28' to a point for corner;

South 46°16'30" West, a distance of 5.00' to a point for corner;

North 43°43'30" West, a distance of 16.00' to a point for corner;

North 46°16'30" East, a distance of 5.00' to a point for corner;

North 43°43'30" West, a distance of 10.58', to the **POINT OF BEGINNING** and containing 15,642 square feet or 0.359 acres of land, more or less.

C1
Radius=1075.92'
Arc Length=380.27'
Delta=20°15'01"
Chrd. Brng.=N79°18'16"W
Chord=378.29'




**ABBREVIATIONS**


I.R.F. = Iron Rod Found  
 (C.M.) = Controlling Monument  
 C.I.R.F. = Capped Iron Rod Found  
 M.R.C.C.T. = Map Records, Collin County, Texas  
 D.R.C.C.T. = Deed Records, Collin County, Texas  
 O.P.R.C.C.T. = Official Public Records, Collin County, Texas

LINE TABLE		
No.	Bearing	Distance
L1	N00°33'27"E	5.00'
L2	S89°25'48"E	25.50'
L3	N45°54'52"E	64.77'
L4	N02°20'07"E	112.81'
L5	N13°35'04"E	40.04'
L6	N02°17'48"E	49.46'
L7	S89°40'27"E	15.01'
L8	S02°17'48"W	85.30'
L9	S07°10'20"W	33.61'
L10	S02°20'07"W	65.69'
L11	S01°19'17"W	25.12'
L12	S45°54'52"W	81.62'
L13	N89°25'48"W	33.93'
L14	S46°16'30"W	5.00'
L15	N43°43'30"W	16.00'
L16	N46°16'30"E	5.00'
L17	N43°43'30"W	10.58'

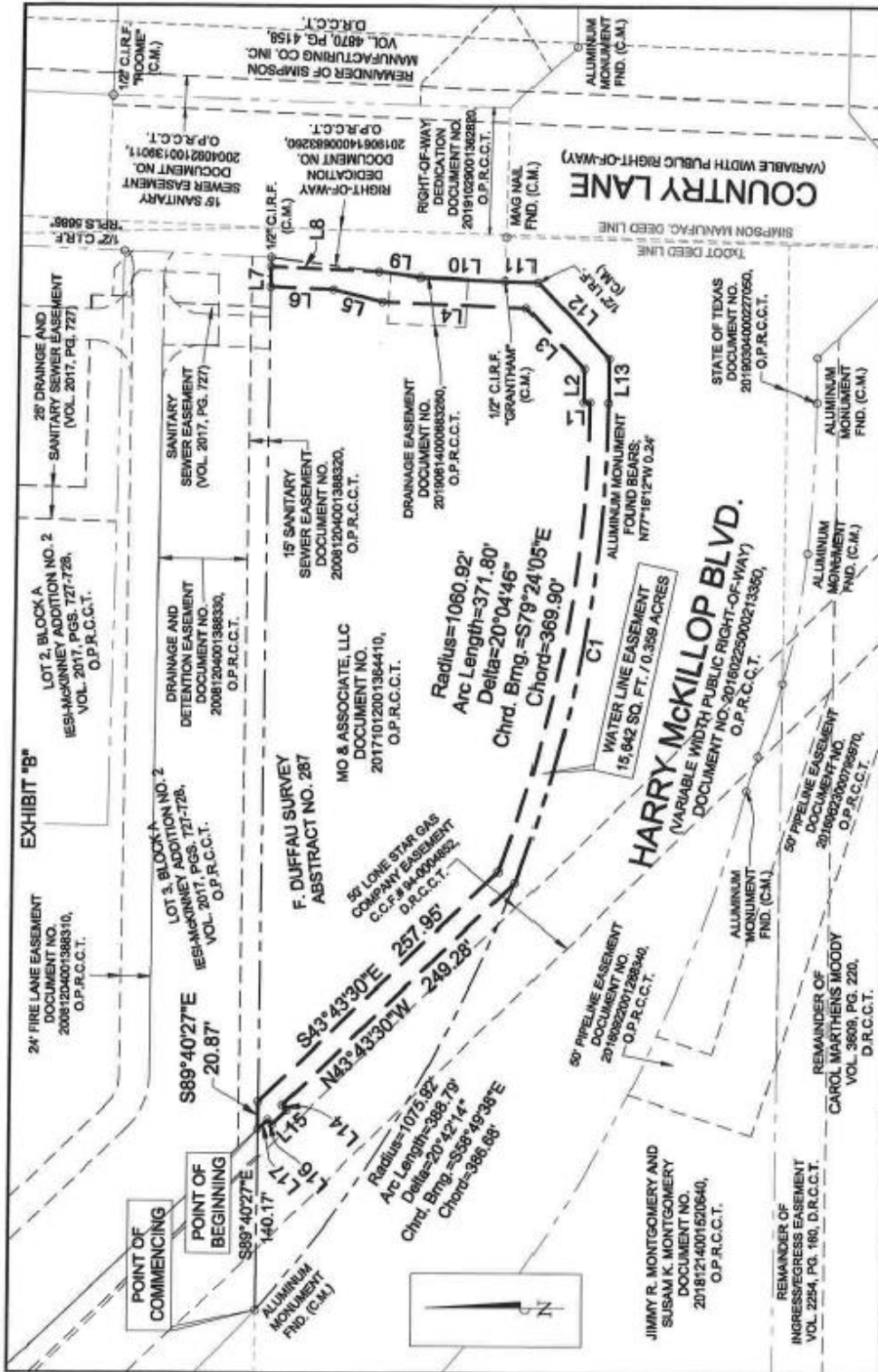
DATE:	05/11/2021
SHEET NO.	2 OF 3
SCALE:	1" = 100'
CHK'D. BY:	M.B.A.
JOB NO.:	2019-0091

**WATER LINE EASEMENT  
0.359 ACRES  
D. DUFFAU SURVEY  
ABSTRACT NO. 287  
CITY OF MCKINNEY,  
COLLIN COUNTY, TEXAS**

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 www.northtexasurveying.com  
 Firm Registration No. 10074200







DATE:	05/12/2021
SHEET NO.	3 OF 3
SCALE:	1" = 100'
CHK'D. BY:	M.B.A.
JOB NO.:	2019-0091

<b>WATER LINE EASEMENT</b>	
0.359 ACRES	
D. DUFFAU SURVEY	
ABSTRACT NO. 287	
CITY OF MCKINNEY,	
COLLIN COUNTY, TEXAS	

GRAPHIC SCALE

1 inch = 100 ft.

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 Firm Registration No. 100742800



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

**Tract II**

Being a tract of land, situated in the F. Duffau Survey, Abstract No. 287, in the City of McKinney, Collin County, Texas, and being a part of a called 10.00 acre tract of land (save and except a 3.531 acre tract), described by deed to Mo & Associate, LLC, as recorded under Document No. 20171012001364410, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said tract being more particularly described as follows:

**COMMENCING** at an aluminum monument found in the northeasterly monumented line of Harry McKillop Boulevard, same being the intersection of the northerly line of said 10.00 acre tract and the southwesterly corner of Lot 3, Block A, of **IESI-MCKINNEY ADDITION NO. 2**, an addition to the City of McKinney, as recorded in Volume 2017, Pages 727-728, O.P.R.C.C.T.;

**THENCE** South 89°40'27" East, along the common line between said 10.00 acre and Lot 3, a distance of 161.04' to the **POINT OF BEGINNING** of the herein described tract;

**THENCE** South 89°40'27" East, continuing along the common line between said 10.00 acre and Lot 3, a distance of 20.87' to a point for corner;

**THENCE** over and across said 10.00 acre tract, the following courses and distances:

South 43°43'30" East, a distance of 240.01' to a point for corner, being at the beginning of a curve to the left, having a radius of 1045.92', a central angle of 19°53'47", and a chord which bears, South 79°29'46" East, a chord distance of 361.38';

Thence along said curve to the left, in a southeasterly direction, an arc length of 363.20' to a point for corner;

North 45°54'52" East, a distance of 80.35' to a point for corner;

North 02°20'07" East, a distance of 93.79' to a point for corner;

North 13°35'04" East, a distance of 40.03' to a point for corner;

North 02°17'48" East, a distance of 47.46' to a point for corner in the aforementioned common line between said 10.00 acre tract and Lot 3;

**THENCE** South 89°40'27" East, along last said common line, a distance of 15.01' to a point for corner;

**THENCE** over and across said 10.00 acre tract, the following courses and distances:

South 02°17'48" West, a distance of 49.46' to a point for corner;

South 13°35'04" West, a distance of 40.04' to a point for corner;


South 02°20'07" West, a distance of 112.81' to a point for corner;

South 45°54'52" West, a distance of 64.77' to a point for corner;

North 89°25'48" West, a distance of 25.50'

South 00°33'27" West, a distance of 5.00' to a point for corner, at the beginning of a curve to the right, having a radius of 1060.92', a central angle of 20°04'46", and a chord which bears, North 79°24'05" West, a chord distance of 369.90';

(Continued on Sheet 2 of 3)

DATE:	05/11/2021	<b>TEMPORARY                  CONSTRUCTION EASEMENT                  0.323 ACRES                  F. DUFFAU SURVEY                  ABSTRACT NO. 287                  CITY OF MCKINNEY,                  COLLIN COUNTY, TEXAS</b>	 <b>North Texas Surveying, L.L.C.</b> Registered Professional Land Surveyors 1010 West University Drive McKinney, Tx. 75069 Ph. (469) 424-2074 Fax: (469) 424-1897 www.northtexassurveying.com Firm Registration No. 10074200
SHEET NO.	1 OF 3		
SCALE:	1" = 100'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2019-0091		

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

**Tract II**

(Continued from Sheet 1 of 3)

Thence along said curve to the right, in a northwesterly direction, an arc length of 371.80' to a point for corner;

North 43°43'30" West, a distance of 257.96', to the POINT OF BEGINNING and containing 14,068 square feet or 0.323 acres of land, more or less.



C1
Radius=1060.92'
Arc Length=371.80'
Delta=20°04'46"
Chrd. Brng.=N79°24'05"W
Chord=369.90'

**ABBREVIATIONS**

I.R.F. = Iron Rod Found  
 (C.M.) = Controlling Monument  
 C.I.R.F. = Capped Iron Rod Found  
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 D.R.C.C.T. = Deed Records, Collin County, Texas  
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LINE TABLE		
No.	Bearing	Distance
L1	N45°54'52"E	80.35'
L2	N02°20'07"E	93.79'
L3	N13°35'04"E	40.03'
L4	N02°17'48"E	47.46'
L5	S89°40'27"E	15.01'
L6	S02°17'48"W	49.46'
L7	S13°35'04"W	40.04'
L8	S02°20'07"W	112.81'
L9	S45°54'52"W	64.77'
L10	N89°25'48"W	25.50'
L11	S00°33'27"W	5.00'

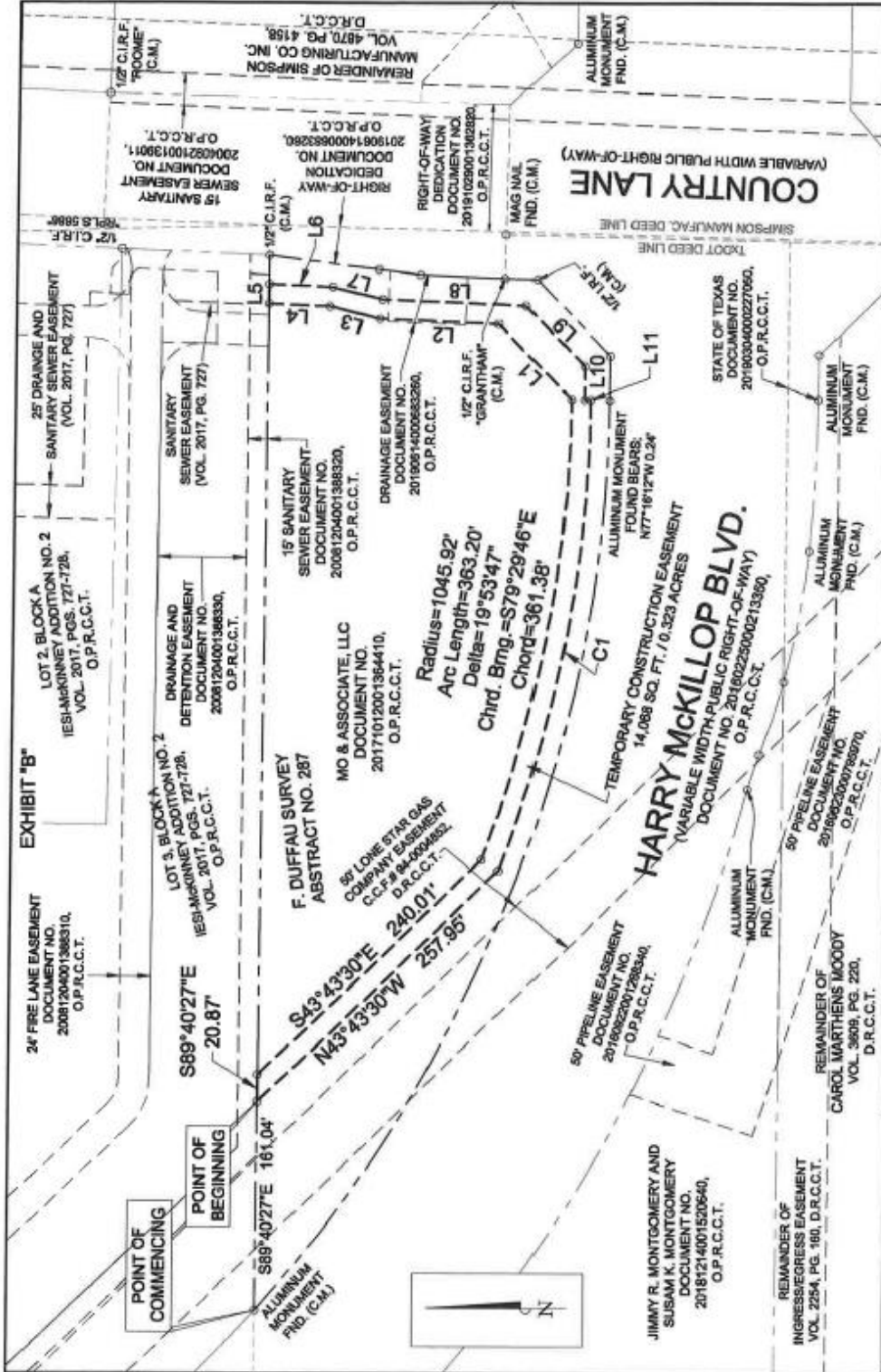
DATE:	05/11/2021
SHEET NO.	2 OF 3
SCALE:	1" = 100'
CHK'D. BY:	M.B.A.
JOB NO.:	2019-0091

**TEMPORARY  
 CONSTRUCTION EASEMENT  
 0.323 ACRES  
 F. DUFFAU SURVEY  
 ABSTRACT NO. 287  
 CITY OF MCKINNEY,  
 COLLIN COUNTY, TEXAS**

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 Firm Registration No. 10074200





<p><b>TEMPORARY CONSTRUCTION EASEMENT</b> 0.323 ACRES F. DUFFAU SURVEY ABSTRACT NO. 287 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS</p>		<p><b>GRAPHIC SCALE</b></p>	<p><b>North Texas Surveying, L.L.C.</b> Registered Professional Land Surveyors 1010 West University Drive McKinney, Tx. 75069 Ph. (469) 424-2074 Fax: (469) 424-4897 www.northtexasurveying.com Firm Registration No. 10074200</p>
<p>DATE: 05/12/2021</p>	<p>SHEET NO. 3 OF 3</p>		
<p>SCALE: 1" = 100'</p>	<p>CHK'D. BY: M.B.A.</p>	<p>JOB NO.: 2019-0091</p>	