

RESOLUTION NO. 2014-07-_____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTIES FOR PUBLIC USE BY EMINENT DOMAIN FOR RIGHT-OF-WAY (IN FEE SIMPLE) AND A TEMPORARY CONSTRUCTION EASEMENT ASSOCIATED WITH THE REDBUD BOULEVARD INFRASTRUCTURE PROJECT ALONG REDBUD BOULEVARD FROM APPROXIMATELY 1000 FEET NORTH OF WILMETH ROAD TO BLOOMDALE ROAD; AUTHORIZING THE INTERIM CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING THE RIGHT-OF-WAY (IN FEE SIMPLE) AND EASEMENT ON SAID PROPERTIES, 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 Redbud Boulevard Infrastructure Project, from approximately 1000 feet north of Wilmeth Road to Bloomdale Road, 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 Right-of-Way (in fee simple) and Temporary Construction Easement, as described on Exhibits B1-B2, attached hereto and incorporated herein for all purposes (“Properties”).

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 Interim City Manager to execute documents, as needed, to acquire the necessary Properties for the Redbud Boulevard Infrastructure 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 Redbud Boulevard Infrastructure Project and to acquire the necessary Properties 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 those certain lots, tracts or parcels of land described in Exhibits B1-B2.
- Section 4. That the Interim City Manager is authorized and directed to negotiate for and to acquire the required Properties for the City of McKinney, and to

acquire said rights in compliance with State and Federal law. That the Interim City Manager is specifically authorized and directed to do each and every act necessary to acquire the needed Properties 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 Properties to be acquired when such appraisal is necessary and, where necessary, the use of Eminent Domain to condemn the Properties.

Section 5. That the Interim City Manager, or any individual he may so designate, is appointed as negotiator for the acquisition of the Properties and, as such, the Interim 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 Interim City Manager is specifically authorized to establish the just compensation for the acquisition of the Properties. That, if the Interim 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 Properties, proceedings in eminent domain to acquire the above-stated interest in the Properties.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 15th DAY OF JULY 2014.

CITY OF MCKINNEY, TEXAS

TRAVIS USSERY
Mayor Pro Tem

ATTEST:

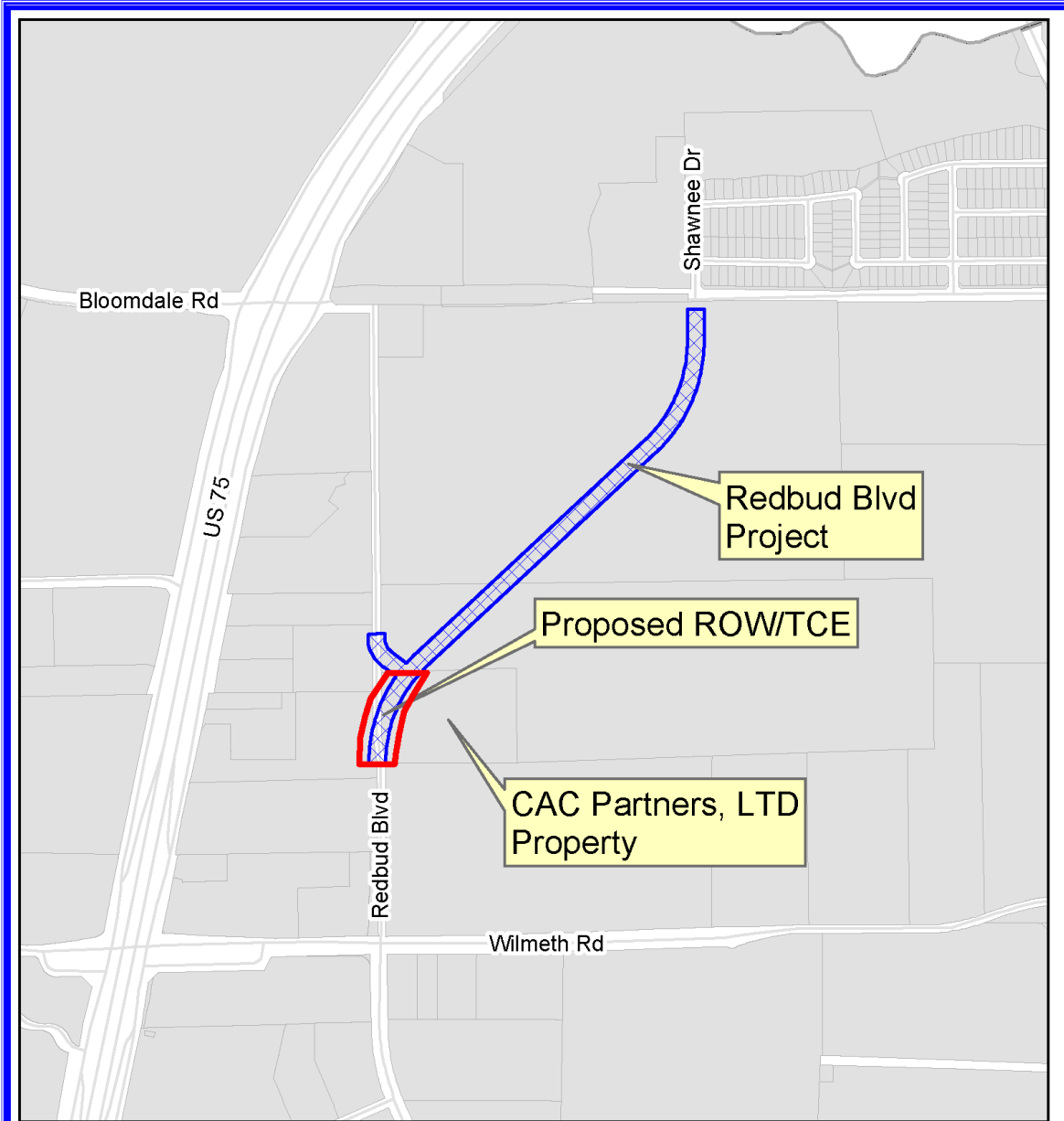
SANDY HART, TRMC, MMC
City Secretary
DENISE VICE
Assistant City Secretary

APPROVED AS TO FORM:

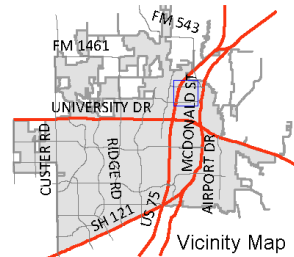
MARK S. HOUSER
City Attorney

EXHIBIT "A"

Location Map



City of McKinney
ST4257
Redbud Blvd (Wilmeth – Bloomdale)



Path: Y:\GIS\Work\A\Green\Engineering\Council\Agenda\Items\Redbud Blvd Realignment\ST4257 Redbud Realignment.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-1"

Depiction and Description of Fee Simple Right of Way on CAC Partners, LTD Property

LEGAL DESCRIPTION

1.175 ACRES

BEING a tract of land situated in the Tola Dunn Survey, Abstract No. 284, City of McKinney, Collin County, Texas; and being part of a called 10.001 acre tract of land described in Cash Warranty Deed to CAC Partners, LTD. recorded in Volume 4600, Page 555 of the Official Public Records of Collin County, Texas; and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with "KHA" cap set at the southwest corner of said 10.001 acre tract, the northwest corner of a 50-foot right-of-way dedication by plat of The Blockbuster Addition, an addition to the City of McKinney recorded in Volume J, Page 651 of said Official Public Records, and in the east line of the remainder of a called 22.880 acre tract described in Limited General Warranty Deed to Mary C. Armstrong recorded in Instrument No. 20080905001077920 of said Official Public Records, and in the approximate centerline of Redbud Boulevard (a generally recognized public right-of-way);

THENCE with the west line of said 10.001 acre tract, the east line of said 22.880 acre tract, and said approximate centerline of Redbud Boulevard, North 0°15'50" West, passing at a distance of 451.16 feet the northeast corner of said 22.880 acre tract and the southeast corner of the remainder of that tract of land described in Deed to Morton Buildings, Inc. recorded in Volume 1042, Page 792 of said Official Public Records, continuing with the west line of said 10.001 acre tract, said approximate centerline of Redbud Boulevard, and the east line of said Morton Buildings, Inc. tract, in all a total distance of 533.90 feet to a MAG Nail set at the northwest corner of said 10.001 acre tract and the westernmost southwest corner of a called 69.625 acre tract of land described in Deed to Exmar, Inc. recorded in Volume 5089, Page 1200 of said Official Public Records;

THENCE departing said east line of the Morton Buildings, Inc. and said approximate centerline of Redbud Boulevard, with the north line of said 10.001 acre tract and the south line of said 69.625 acre tract, North 88°43'53" East, a distance of 211.22 feet to a 5/8-inch iron rod with "KHA" cap set at the beginning of a non-tangent curve to the left having a central angle of 37°00'42", a radius of 800.00 feet, a chord bearing and distance of South 18°14'31" West, 507.84 feet; from said point a 1/2-inch iron rod found for the northeast corner of said 10.001 acre tract and an interior ell corner in said south line of called 69.625 acre tract, bears North 88°43'53" East, a distance of 605.34 feet;

THENCE in a southwesterly direction, departing said north line of called 10.001 acre tract and said south line of called 69.625 acre tract, with said curve to the left, an arc distance of 516.78 feet to a 5/8-inch iron rod with "KHA" cap set at the end of said curve;

THENCE South 0°15'50" East, a distance of 55.09 feet to a 1/2-inch iron rod found at the the northeast corner of said 50-foot wide right-of-way dedication and the northwest corner of Lot 1, Block A of said The Blockbuster Addition; said point also being in the south line of said 10.001 acre tract;

THENCE with said south line of called 10.001 acre tract and the north line of said 50-foot wide right-of-way dedication, South 88°39'46" West, a distance of 50.01 feet to the **POINT OF BEGINNING** and containing 1.175 acres or 51,200 square feet of land.

Bearing system of this survey is based on a line oriented between City of McKinney monuments 28, 40 and 41 found in the field, whose positions are published on the Texas Coordinate System of 1983, North Central Zone (4202) North American Datum of 1983. Distances and areas shown are surface.

1.175 ACRE TRACT
TOLA DUNN SURVEY
ABSTRACT NO. 284
CITY OF MCKINNEY
COLLIN COUNTY, TEXAS

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
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Scale	Drawn by	Checked by	Date
N/A	JAD	DAB/NA	MAR. 2014
Project No.		Sheet No.	
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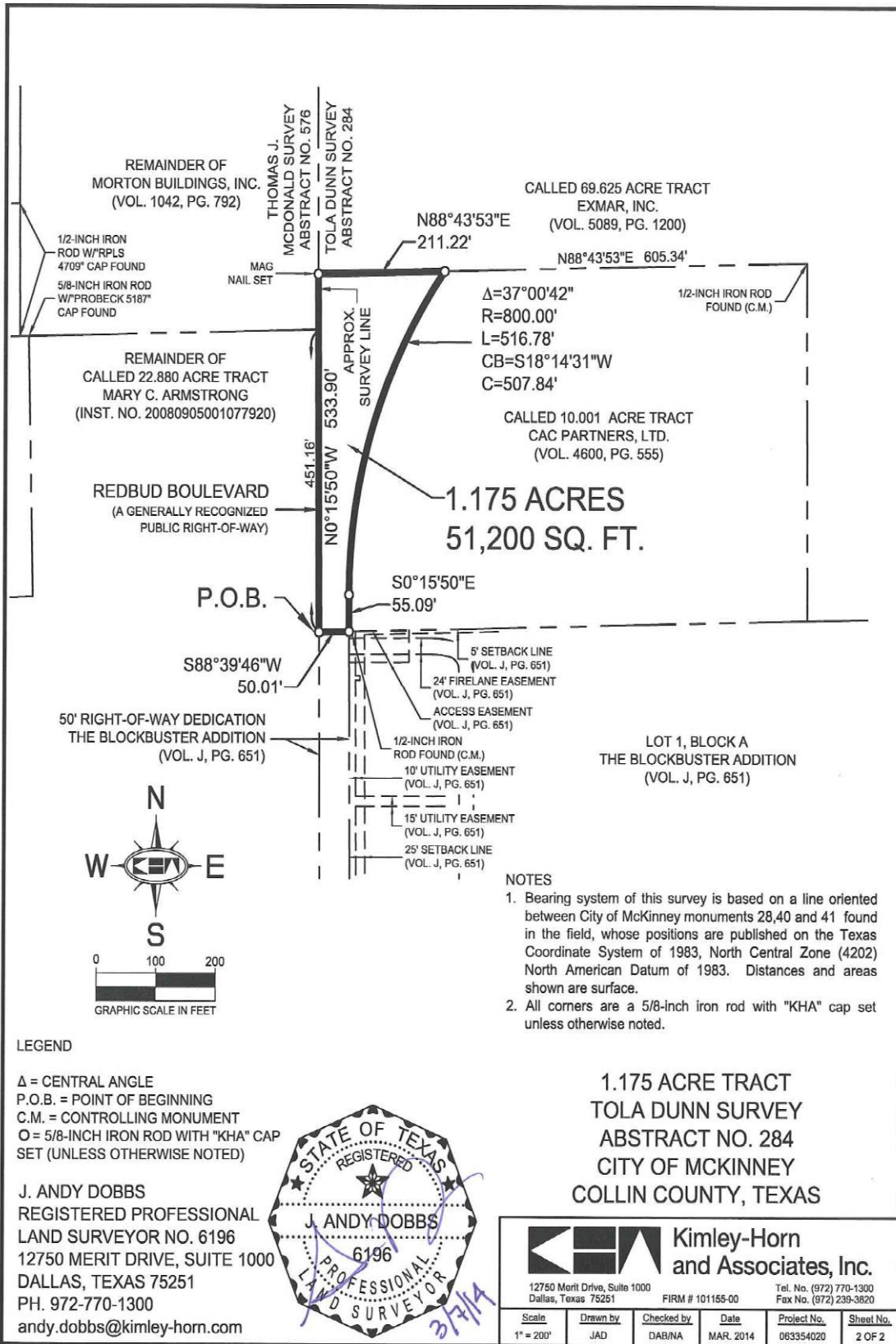


EXHIBIT "B-2"

Depiction and Description of Temporary Construction Easement on CAC Partners, LTD Property

LEGAL DESCRIPTION
5,725 SQ. FT. (0.131 ACRES)

BEING a tract of land situated in the Tola Dunn Survey, Abstract No. 284, City of McKinney, Collin County, Texas; and being part of a called 10.001 acre tract of land described in Cash Warranty Deed to CAC Partners, LTD. recorded in Volume 4600, Page 555 of the Official Public Records of Collin County, Texas; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the northeast corner of a 50-foot wide right-of-way dedication and the northwest corner of Lot 1, Block A, The Blockbuster Addition, an addition to the City of McKinney according to the plat recorded in Volume J, Page 651 of said Official Public Records; said point also being in the south line of called 10.001 acre tract;

THENCE North 0°15'50" West, a distance of 55.09 feet to a 5/8-inch iron rod with "KHA" cap set at the beginning of a tangent curve to the right having a central angle of 37°00'42", a radius of 800.00 feet, a chord bearing and distance of North 18°14'31" East, 507.84 feet;

THENCE in a northeasterly direction, with said curve to the right, an arc distance of 516.78 feet to a 5/8-inch iron rod with "KHA" cap set for corner in the north line of called 10.001 acre tract and the south line of a called 69.625 acre tract of land described in Deed to Exmar, Inc. recorded in Volume 5089, Page 1200 of said Official Public Records;

THENCE with said north line of called 10.001 acre tract and said south line of called 69.625 acre tract, North 88°43'53" East, a distance of 12.74 feet to a point at the beginning of a non-tangent curve to the left having a central angle of 37°34'52", a radius of 790.00 feet, a chord bearing and distance of South 18°31'36" West, 508.93 feet;

THENCE in a southwesterly direction, departing said north line of called 10.001 acre tract and said south line of called 69.625 acre tract, with said curve to the left, an arc distance of 518.17 feet to a point at the end of said curve;

THENCE South 0°15'50" East, a distance of 54.90 feet to a point for corner in said south line of called 10.001 acre tract and the north line of said Lot 1;

THENCE with said south line of called 10.001 acre tract and said north line of Lot 1, South 88°39'46" West, a distance of 10.00 feet to the **POINT OF BEGINNING** and containing 5,725 square feet or 0.131 acres of land.

Bearing system of this survey is based on a line oriented between City of McKinney monuments 28, 40 and 41 found in the field, whose positions are published on the Texas Coordinate System of 1983, North Central Zone (4202) North American Datum of 1983. Distances and areas shown are surface.

10' TEMPORARY
CONSTRUCTION EASEMENT
5,725 SQUARE FEET
TOLA DUNN SURVEY
ABSTRACT NO. 284
CITY OF MCKINNEY
COLLIN COUNTY, TEXAS

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