

**RESOLUTION NO. 2015-02-\_\_\_\_\_ (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE EXECUTION OF DOCUMENTS FOR THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR THE CONSTRUCTION OF UTILITY LINES ALONG THE WEST SIDE OF SH 5 (MCDONALD STREET) FROM FM 543 NORTH TO APPROXIMATELY CR 275; AND IN AN AREA LOCATED TO THE WEST OF THE DALLAS AREA RAPID TRANSIT (DART) RIGHT-OF-WAY APPROXIMATELY 1600 FEET NORTH AND 3800 FEET EAST OF THE INTERSECTION OF SH 5 AND FM 543; AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE DOCUMENTS FOR THE ACQUISITION OF EASEMENTS; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE INTERIM CITY MANAGER OF THE CITY OF MCKINNEY, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AND AUTHORIZING THE INTERIM CITY MANAGER THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY 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 utility lines along the west side of SH 5 from FM 543 north to approximately CR 275; and in an area located to the west of the Dallas Area Rapid Transit (DART) Right-of-Way approximately 1600 feet north and 3800 feet east of the intersection of SH 5 and FM 543, 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 this project and the need for the acquisition of certain property rights for this project.

**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 easements for the construction of utility lines along the west side of SH 5 from FM 543 north to approximately CR 275; and in an area located to the west of the DART Right-of-Way approximately 1600 feet north and 3800 feet east of the intersection of SH 5 and FM 543.

- 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 utility lines along the west side of SH 5 from FM 543 north to approximately CR 275; and in an area located to the west of the DART Right-of-Way approximately 1600 feet north and 3800 feet east of the intersection of SH 5 and FM 543 and to acquire the necessary property rights 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, the location of which lots, tracts or parcels are generally shown on the Location Map attached hereto as Exhibit A.
- Section 4. That the Interim City Manager is authorized and directed to negotiate for and to acquire the required property rights 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 property rights 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 property.
- Section 5. That the Interim City Manager is specifically authorized and directed to do each and every act necessary to acquire the needed property rights 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, to institute proceedings in eminent domain.
- Section 6. That the Interim City Manager, or any individual he may so designate, is appointed as negotiator for the acquisition of this property 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.
- Section 7. That the Interim City Manager is specifically authorized to establish the just compensation for the acquisition of this property.
- Section 8. 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 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 17<sup>th</sup> DAY OF FEBRUARY, 2015.**

CITY OF McKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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

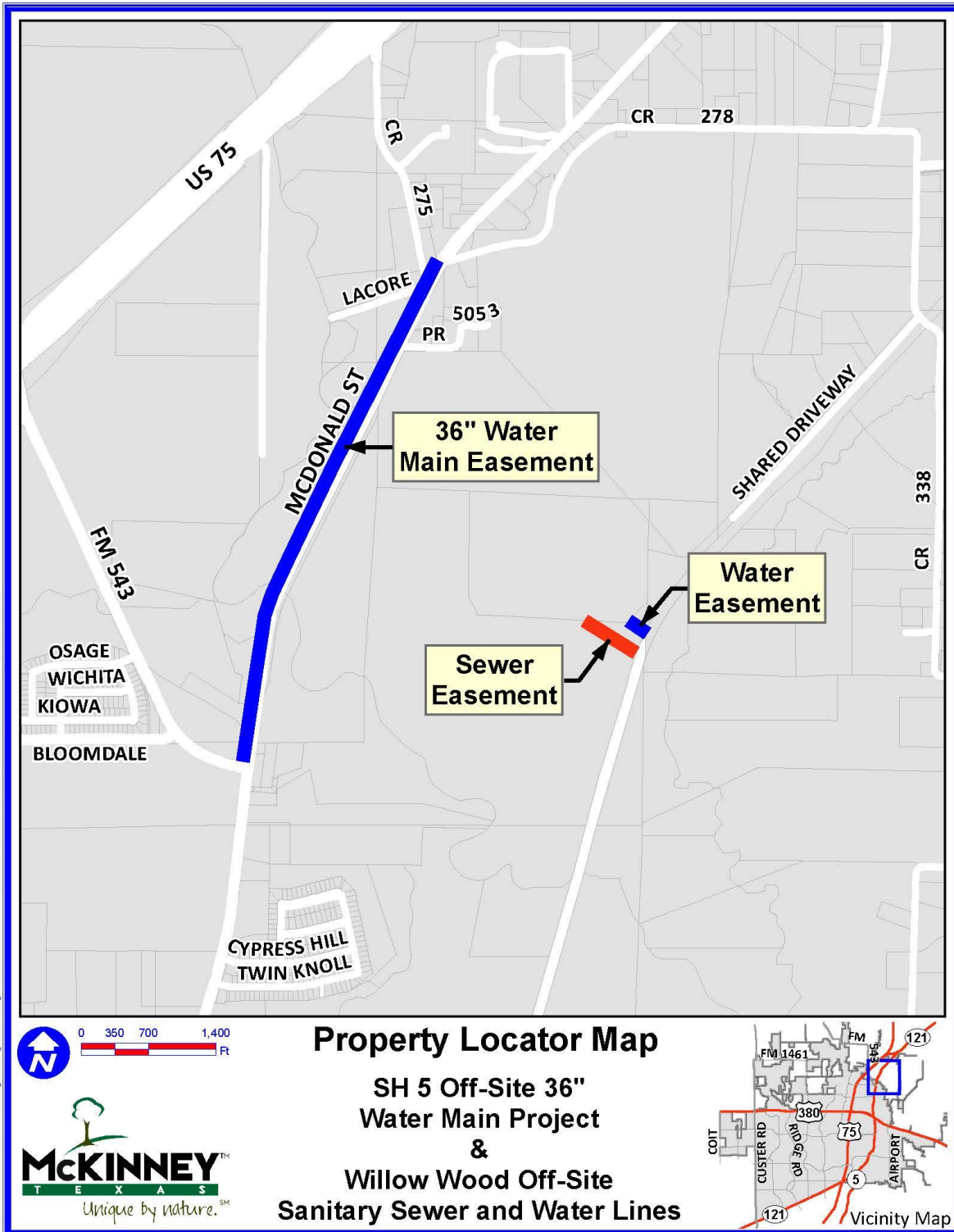
APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney

# EXHIBIT "A"

## Location Map



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.