

RESOLUTION NO. 2017-08-_____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE SALE OF A WATER LINE EASEMENT WITH TEMPORARY CONSTRUCTION EASEMENTS TO THE NORTH TEXAS MUNICIPAL WATER DISTRICT, WHICH EASEMENT CONSISTS OF TWO PARTS, PART ONE BEING 0.570 ACRES FOR A WATER LINE EASEMENT WITH A 0.774 ACRES TEMPORARY CONSTRUCTION EASEMENT AND PART TWO BEING 0.386 ACRES FOR A WATER LINE EASEMENT WITH A 1.176 ACRES TEMPORARY CONSTRUCTION EASEMENT SITUATED IN THE JOHN R. JONES SURVEY, ABSTRACT NO. 497, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS GENERALLY LOCATED NEAR REDBUD BOULEVARD AND BLOOMDALE ROAD IN THE AMOUNT OF \$108,948.00; AND AUTHORIZING THE CITY MANAGER TO EXECUTE EASEMENTS AND DOCUMENTS REGARDING THE SALE OF SAID EASEMENTS ACROSS CITY-OWNED PROPERTY TO THE NORTH TEXAS MUNICIPAL WATER DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the North Texas Municipal Water District (“NTMWD”), a governmental entity with eminent domain authority, has requested a water line easement consisting of two parts, part one being 0.570 acres for a water line easement with a 0.774 temporary construction easement and part two being 0.386 acres for a water line easement with a 1.176 acres temporary construction easement (“Easements”) from the City of McKinney under and across certain land owned by the City of McKinney, which land is generally located south of Bloomdale Road in the vicinity of Redbud Boulevard, for the construction and installation of a water transmission pipeline to provide additional treated water capacity to the NTMWD North Transmission System, which serves many cities, including McKinney; and

WHEREAS, the NTMWD has made a request to purchase the Easements from the City for a proposed water transmission pipeline; and

WHEREAS, City Council has determined that the Property will be utilized by a governmental entity in carrying out a use that benefits the public interest; and

WHEREAS, Texas Local Government Code Section 272.001(b)(5) authorizes a city to convey property to a governmental entity having the power of eminent domain, such as NTMWD, 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 of McKinney obtained an appraisal of the Easements by a licensed real estate appraiser confirming the fair market value of the Easements thereby meeting the requirements of Texas Local Government Code Section 272.001(b); and

WHEREAS, NTMWD will pay the City of McKinney the appraised fair market value for the Easements; and

WHEREAS, City Council has determined that it would be in the best interest of the City to convey the Easements to the NTMWD.

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 Easements should be sold to NTMWD, for the total amount of One Hundred Eight Thousand, Nine Hundred Forty-eight and 00/100 Dollars (\$108,948.00), which amount is the appraised fair market value of the Easements.
- Section 3. The funds collected from the sale of the Easements to NTMWD should be placed in the Water/Wastewater fund.
- Section 4. The City Manager is hereby authorized to execute all documents necessary for the sale and conveyance of the Easements, fully described on Exhibit B, attached hereto, to NTMWD.
- Section 5. 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 15th DAY OF AUGUST 2017.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

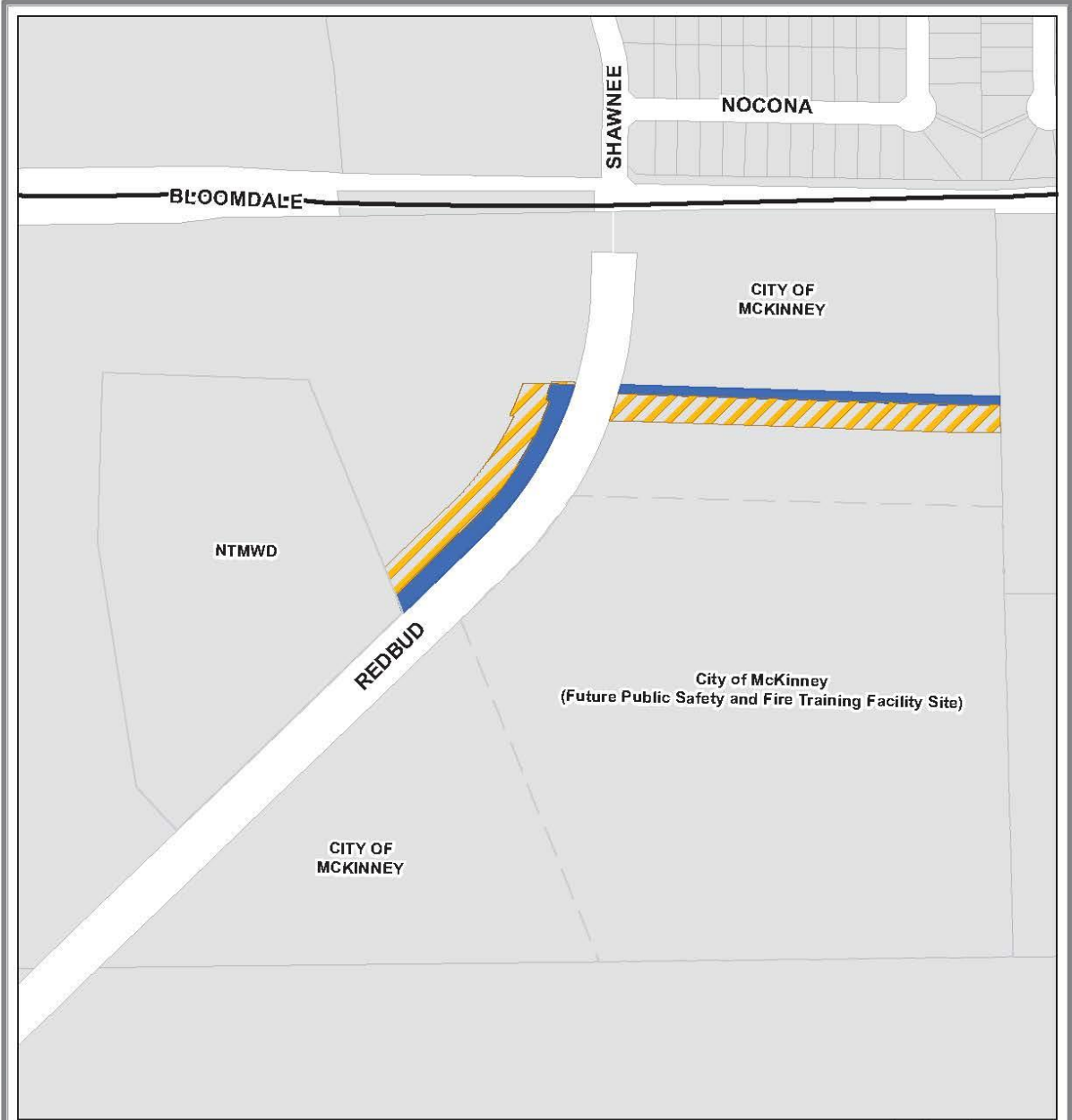
SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

APPROVED AS TO FORM:

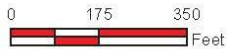
MARK S. HOUSER
City Attorney

EXHIBIT "A"

Location Map

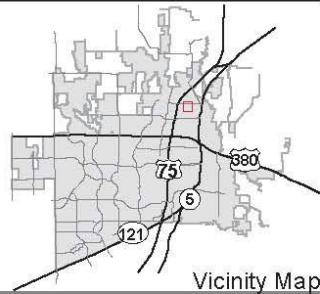


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NTMWD Water Line Easement

- Temporary Construction Easement
- Water Easement



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"

Legal Description of the Property

**EXHIBIT "A"
NORTH TEXAS MUNICIPAL WATER DISTRICT
NORTH MCKINNEY PIPELINE PHASE III
PROJECT NO. 431**

**HDR PARCEL NO. 2
OWNER: CITY OF MCKINNEY
20.0' & 40.0' PERMANENT WATERLINE EASEMENT
JOHN R. JONES SURVEY, ABSTRACT NO. 497
COLLIN COUNTY, TEXAS**

Part 1

BEING a 40.0' permanent waterline easement situated in the John R. Jones Survey, Abstract No. 497, Collin County, Texas, being a portion of a called 103.241 acre tract of land described in General Warranty Deed to the City of McKinney, as recorded in Instrument No. 20070727001038430 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 1/2-inch iron rod found at the southwest corner of said City of McKinney tract;

THENCE North 89 degrees 00 minutes 40 seconds East, with the south line of said City of McKinney tract, a distance of 614.48 feet to the northwest line of Redbud Boulevard (100-foot right-of-way), as recorded in Declaration of Right of Way to the City of McKinney, as recorded in Instrument No. 20140822000905830, O.P.R.C.C.T.;

THENCE North 46 degrees 05 minutes 45 seconds East, with the northwest line of said Redbud Boulevard, a distance of 1,138.47 feet to the POINT OF BEGINNING, (Grid N=7,138,170.34 E=2,542,260.66);

THENCE North 22 degrees 20 minutes 24 seconds West, departing the northwest line of said Redbud Boulevard, a distance of 43.01 feet;

THENCE North 46 degrees 05 minutes 45 seconds East, a distance of 220.68 feet to the point of curvature of a curve to the left, having a radius of 760.00 feet and a central angle of 25 degrees 16 minutes 27 seconds;

THENCE with said curve to the left, an arc distance of 335.25 feet (Chord Bearing North 33 degrees 27 minutes 31 seconds East - 332.54 feet) to the point for corner.;

THENCE North 69 degrees 48 minutes 00 seconds West, a distance of 10.00 feet to the point of curvature of a curve to the left, having a radius of 750.00 feet and a central angle of 02 degrees 52 minutes 34 seconds;

THENCE with said curve to the left, an arc distance of 37.65 feet (Chord Bearing North 18 degrees 58 minutes 44 seconds East – 37.64 feet) to the south line of a Greater Texoma Utility Authority (G.T.U.A.) Easement, as recorded in Instrument No. 20060328000398980, O.P.R.C.C.T.;

THENCE South 88 degrees 06 minutes 00 seconds East, with the south line of said G.T.U.A. Easement, a distance of 52.18 feet to the northwest line of said Redbud Boulevard, being on a curve to the right, having a radius of 800.00 feet and a central angle of 29 degrees 10 minutes 33 seconds;

THENCE departing the south line of said G.T.U.A. Easement and with the northwest line of said Redbud Boulevard and with said curve to the right, an arc distance of 407.37 feet (Chord Bearing South 31 degrees 30 minutes 28 seconds West – 402.99 feet) to the point of tangency;

THENCE South 46 degrees 05 minutes 45 seconds West, continuing with the northwest line of said Redbud Boulevard, a distance of 236.48 feet to the POINT OF BEGINNING and containing 25,215 square feet or 0.5788 acres of land.

60.0' TEMPORARY CONSTRUCTION EASEMENT

The above described 40.0' permanent water line easement is also subject to 60.0' temporary construction easement being parallel and adjacent to the 40.0' permanent water line easement and a 5.0' temporary construction easement parallel with and north of the permanent waterline easement both located and shown on the accompanying survey plat and contains 0.774 acres of land. The 60.0' temporary construction easement shall expire as noted in the easement agreement.

Part 2

BEING a 20.0' permanent waterline easement situated in the John R. Jones Survey, Abstract No. 497, Collin County, Texas, being a portion of a called 103.241 acre tract of land described in General Warranty Deed to the City of McKinney, as recorded in Instrument No. 20070727001038430 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 5/8-inch iron rod with cap found at a southeast corner of a Right of Dedication for Bloomdale Road (variable width right-of-way), as recorded in Instrument No. 20100628000657730, O.P.R.C.C.T.;

THENCE North 88 degrees 54 minutes 07 seconds West, with the south line of said Bloomdale Road, a distance of 38.16 feet to the west line of a called 47.608 acre tract of land described in Special

Warranty Deed to Seminole BloominFive LP, as recorded in Instrument No. 20080317000317660, O.P.R.C.C.T.;

THENCE South 01 degree 42 minutes 20 seconds East, with the west line of said Seminole BloominFive tract, a distance of 167.02 feet;

THENCE South 01 degree 08 minutes 20 seconds East, continuing with the west line of said Seminole BloominFive tract, a distance of 163.75 feet to the POINT OF BEGINNING, (Grid N=7,138,649.96 E=2,543,581.54), being the southeast corner of said G.T.U.A. easement;

THENCE South 01 degree 08 minutes 20 seconds East, continuing with the west line of said Seminole BloominFive tract, a distance of 20.01 feet;

THENCE North 89 degrees 49 minutes 17 seconds West, departing the west line of said Seminole BloominFive tract, a distance of 110.96 feet;

THENCE North 88 degrees 06 minutes 00 seconds West, a distance of 732.50 to the east line of said Redbud Boulevard, being on a non-tangent curve to the left having a radius of 900.00 feet and a central angle of 01 degrees 18 minutes 44 seconds;

THENCE with the east line of said Redbud Boulevard and with said curve to the left, an arc distance of 20.61 feet (Chord Bearing North 15 degrees 52 minutes 28 seconds East – 20.61 feet) to the south line of said G.T.U.A. easement;

THENCE South 88 degrees 06 minutes 00 seconds East, departing the east line of said Redbud Boulevard and with the south line of said G.T.U.A. easement, a distance of 727.22 feet;

THENCE South 89 degrees 49 minutes 17 seconds East, continuing with the south line of said G.T.U.A. easement, a distance of 110.20 feet to the POINT OF BEGINNING and containing 16,808 square feet or 0.386 acres of land.

60.0' TEMPORARY CONSTRUCTION EASEMENT

The above described 20.0' permanent water line easement is also subject to a 60.0' temporary construction easement being parallel and adjacent to the 20.0' permanent water line easement, located and shown on the accompanying survey plat and contains 1.176 acres of land. The 60.0' temporary construction easement shall expire as noted in the easement agreement.


All bearings for this tract refer to the NAD-83 State Plane Coordinate System, Texas North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Collin County scale factor of 1.000152710 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.

TBPLS Firm No. 10123500



By:  Date: 9 MAY 2017

Surveyor's Name: Gordon N. Anderson
Registered Professional Land Surveyor
Texas No. 5504

