

**RESOLUTION NO. 2022-02-\_\_\_\_\_ (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTIES (IN FEE SIMPLE) FOR PUBLIC USE BY EMINENT DOMAIN ASSOCIATED WITH THE MUNICIPAL COMPLEX PROJECT AND SAID CERTAIN PROPERTIES ARE IDENTIFIED AS BLOCK 3 LOT 4 AND BLOCK 6 LOTS 1R, 7 & 8 OF THE H&TC RAILROAD ADDITION GENERALLY LOCATED ALONG MAIN STREET BETWEEN EAST LAMAR STREET AND EAST VIRGINIA STREET; AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING THE PROPERTIES (IN FEE SIMPLE), 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 Municipal Complex Project, generally location to the East of Highway 5 in the vicinity of the Flour Mill. The locations of Block 3, Lot 4 and Block 6, Lots 1R, 7 & 8 of the H&TC Railroad Addition are 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 Property (in fee simple), as described on Exhibits B1-B3, 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 City Manager to execute documents, as needed, to acquire the necessary Property for the Municipal Complex 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 Municipal Complex Project and to acquire the Property deemed necessary for the project, together with all necessary appurtenances, additions and improvements on, over, under, and through that certain lots tracts or parcels of land described in Exhibits B1-B3.
- Section 4. That the City Manager 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 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 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 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 1st DAY OF FEBRUARY 2022.**

CITY OF MCKINNEY, TEXAS:

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GEORGE C. FULLER  
Mayor

ATTEST:

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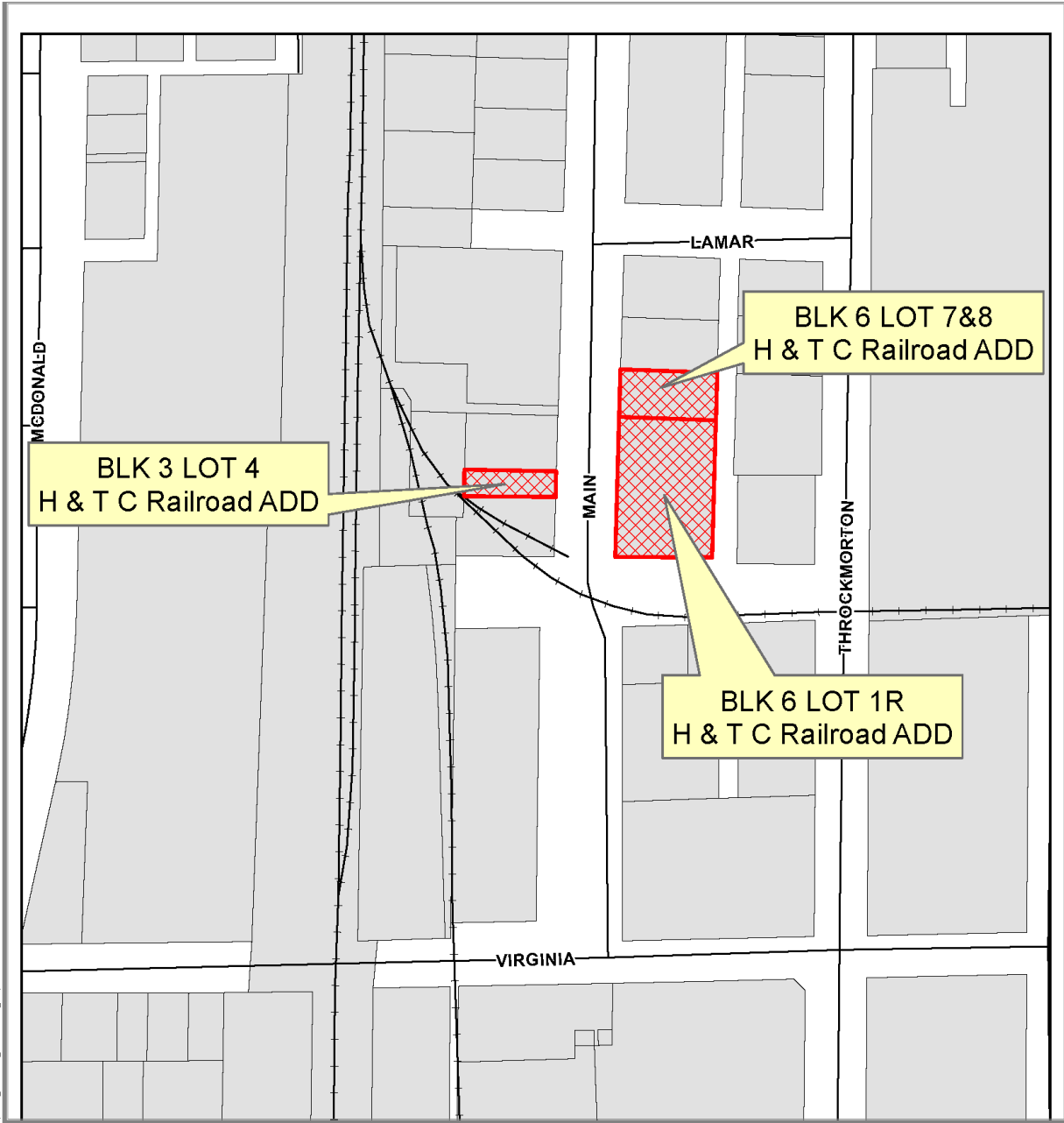
EMPRESS DRANE  
City Secretary  
JOSHUA STEVENSON  
Deputy City Secretary

APPROVED AS TO FORM:

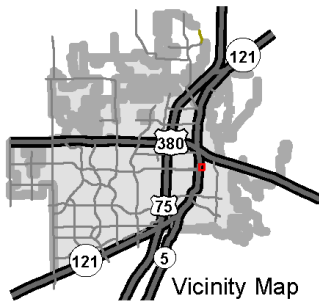
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MARK S. HOUSER  
City Attorney

**EXHIBIT "A"**  
**Location Map**

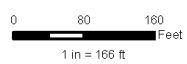


DocumentPath: Y:\GIS\GISWork\Hiring\MapProjects\LocationMap\Dev\_Services\_Notification\_Map.mxd



Location Map  
Municipal Complex  
Project  
FC1707

Source: City of McKinney GIS  
Date: 1/13/2022



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 "B1"**

**Property Owner Tori Rose Land, Inc**

**H&TC Railroad Addition, Blk 3, Lot 4**

Lot 4, Block 3 of the H & TC Railroad Addition to the City of McKinney, Collin County, Texas, as recorded in Volume 46, Page 2 of the Deed Records of Collin County, Texas, said addition also being known as the Railroad Addition to the Town of McKinney, as described in Volume W, Page 64 of the Deed Records of Collin County, Texas.

**EXHIBIT "B2"**

**Property Owner Tori Rose Land, Inc**  
**H&TC Railroad Addition, Blk 6, Lots 7 & 8**

EXHIBIT "A"

Lots 7 and 8, Block 6, of H & TC Railroad Addition, an Addition to the City of McKinney, Collin County, Texas, according to the plat thereof recorded in Volume W, Page 64, of the Deed Records of Collin County, Texas.

