

**RESOLUTION NO. 2022-09-\_\_\_\_\_ (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 20<sup>th</sup> DAY OF SEPTEMBER 2022.**

CITY OF MCKINNEY, TEXAS:

---

GEORGE C. FULLER  
Mayor

ATTEST:

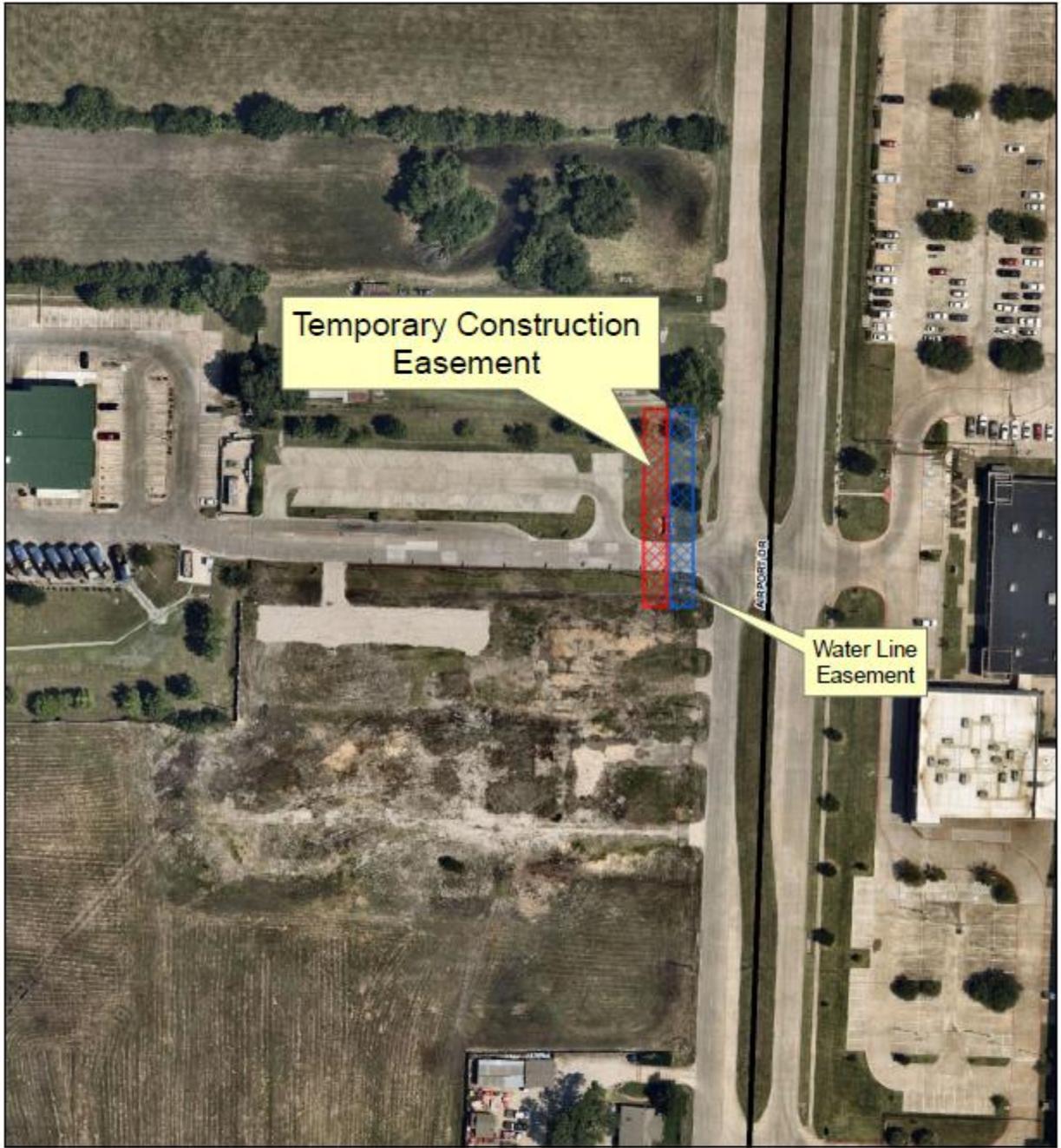
---

EMPRESS DRANE  
City Secretary  
JOSHUA STEVENSON  
Deputy City Secretary

APPROVED AS TO FORM:

---

MARK S. HOUSER  
City Attorney



**Location Map**  
**Exhibit "B"**  
**FM 546 & Airport Dr. Water Line Project**  
**Water Line Easement and**  
**Temporary Construction Easement**

Source: City of McKinney GIS  
 Date: 9/1/2022



1 in = 116 ft  
 0 50 100 Feet

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.



Document Path: Y:\GIS\518\McKinney\Project\Map\Project\LocationMap\Exhibit\_B\Exhibit\_B.mxd

**EXHIBIT "A"  
30' 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 Lot 1R1, Block A, of **IEST-MCKINNEY ADDITION**, an addition to the City of McKinney, as recorded in Volume 2009, Page 42, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said tract being more particularly described as follows:

**BEGINNING** at a 2" iron rod found for the most easterly southeast corner of said Lot 1R1, same being in the northerly line of a tract of land, described by deed to Todd N. McCracken and wife, Jacqueline A. McCracken, as recorded under County Clerk's File No. 95-0056432, of the Deed Records, Collin County, Texas (D.R.C.C.T.), same also being in the westerly monumented line of Country Lane;

**THENCE** North 89°51'34" West, along the common line between said Lot 1R1 and McCracken tract, a distance of 30.02' to a point for corner;

**THENCE** North 02°17'48" East, over and across said Lot 1R1, a distance of 174.90' to a point for corner, being in the most easterly north line of said Lot 1R1, same being in the southerly line of a tract of land, described by deed to Joe Banks Middleton, as recorded in Volume 3424, Page 280, D.R.C.C.T.;

**THENCE** South 89°26'31" East, along the common line between said Lot 1R1 and Middleton tract, a distance of 30.01' to an axle found for corner, being the most easterly northeast corner of said Lot 1R1, same being in the aforementioned westerly monumented line of Country Lane;

**THENCE** South 02°17'48" West, along the westerly monumented line of said Country Lane, a distance of 174.68' to the **POINT OF BEGINNING** and containing 5,243 square feet or 0.120 acres of land, more or less.



*Michael B. Arthur*

**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

DATE:	06/24/2020	<b>30' WATER LINE EASEMENT 0.120 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) 424-1997 www.northtexassurveying.com Firm Registration No. 10074200
REVISED:			
SCALE:	1" = 100'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2019-0091		

PAULA F. RUDD  
VOL. 2818, PG. 305,  
D.R.C.C.T.

W. S. RICHARDSON SURVEY  
ABSTRACT NO. 747

EXHIBIT "B"

TRACT I

DRAINAGE EASEMENT  
(VOL. O, PG. 646)

2 1/2" FIRE LANE  
EASEMENT  
(VOL. O, PG. 646)

10' UTILITY  
EASEMENT  
(VOL. O, PG. 646)

15' DRAINAGE AND  
UTILITY EASEMENT  
(VOL. O, PG. 646)

JOE BANKS MIDDLETON  
VOL. 3424, PG. 280,  
D.R.C.C.T.

30' WATER LINE EASEMENT  
5,243 SQ. FT. / 0.120 ACRES

10' UTILITY EASEMENT  
DOCUMENT NO.  
20091198001402740,  
O.P.R.C.C.T.

2 1/2" FIRE LANE EASEMENT  
(VOL. O, PG. 646)

15' DRAINAGE AND  
UTILITY EASEMENT  
(VOL. O, PG. 646)

DETONATION POND  
EASEMENT  
(VOL. O, PG. 646)

17 1/2" WATER EASEMENT  
(VOL. R, PG. 109)

17 1/2" WATER EASEMENT  
(VOL. R, PG. 109)

17 1/2" SANITARY  
SEWER EASEMENT  
(VOL. P, PG. 673)

LOT 1R1, BLOCK A  
IESH-KINNEY ADDITION  
VOL. 2009, PG. 42,  
O.P.R.C.C.T.

30' WATER LINE EASEMENT  
5,243 SQ. FT. / 0.120 ACRES

10' UTILITY EASEMENT  
DOCUMENT NO.  
20091198001402740,  
O.P.R.C.C.T.

2 1/2" FIRE LANE EASEMENT  
(VOL. O, PG. 646)

15' DRAINAGE AND  
UTILITY EASEMENT  
(VOL. O, PG. 646)

TODD N. MCCRACKEN  
AND WIFE  
JACQUELINE A. MCCRACKEN  
C.C.F.# 89-0066432,  
D.R.C.C.T.

17 1/2" WATER EASEMENT  
(VOL. R, PG. 109)

17 1/2" WATER EASEMENT  
(VOL. R, PG. 109)

17 1/2" SANITARY  
SEWER EASEMENT  
(VOL. P, PG. 673)

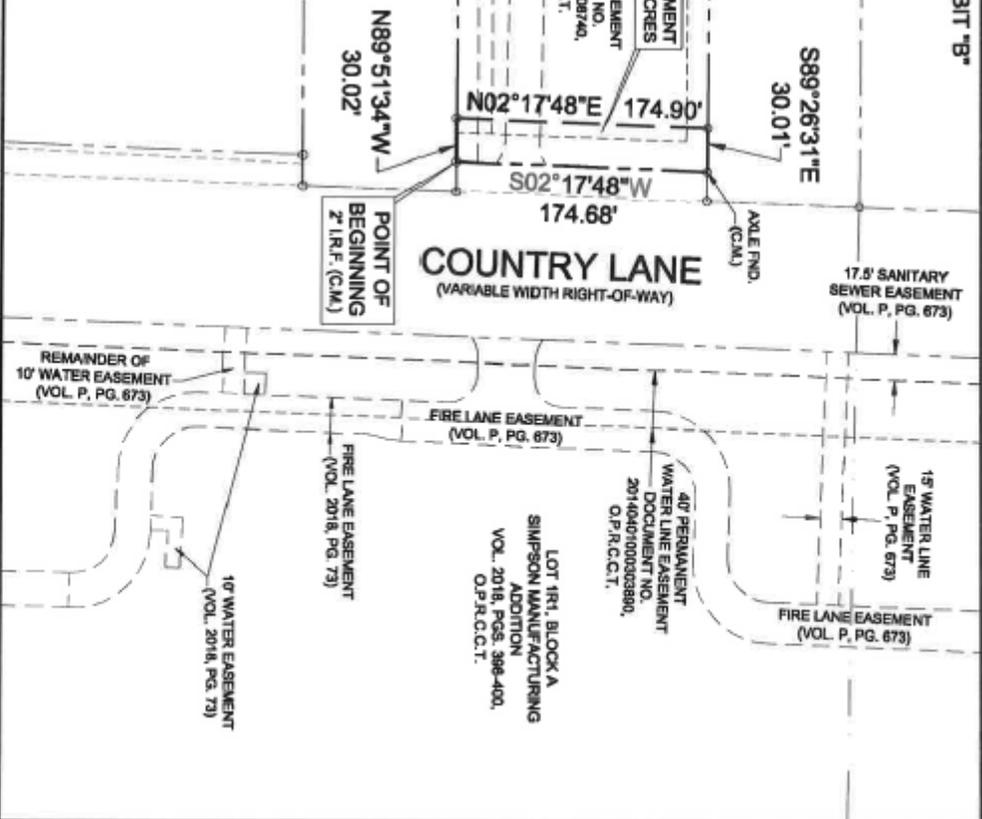
F. DUFFAU SURVEY  
ABSTRACT NO. 287

LOT 1, BLOCK A  
IESH-KINNEY ADDITION NO. 2  
VOL. 2017, PGS. 727-728,  
O.P.R.C.C.T.

17 1/2" WATER EASEMENT  
(VOL. R, PG. 109)

17 1/2" WATER EASEMENT  
(VOL. R, PG. 109)

17 1/2" SANITARY  
SEWER EASEMENT  
(VOL. P, PG. 673)



DATE: 06/24/2020

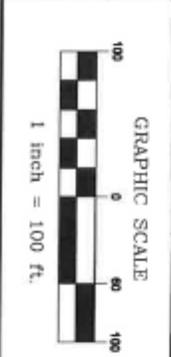
REVISED:

SCALE: 1" = 100'

CHK'D. BY: M.B.A.

JOB NO.: 2019-0091

30' WATER LINE EASEMENT  
0.120 ACRES  
F. DUFFAU SURVEY  
ABSTRACT NO. 287  
CITY OF MCKINNEY,  
COLLIN COUNTY, TEXAS



REMAINDER OF  
10' WATER EASEMENT  
(VOL. P, PG. 673)

10' WATER EASEMENT  
(VOL. 2018, PG. 73)

FIRE LANE EASEMENT  
(VOL. P, PG. 673)

40' PERMANENT  
WATER LINE EASEMENT  
DOCUMENT NO.  
201404100002880,  
O.P.R.C.C.T.

LOT 1R1, BLOCK A  
SIMPSON MANUFACTURING  
ADDITION  
VOL. 2018, PGS. 386-400,  
O.P.R.C.C.T.

10' WATER EASEMENT  
(VOL. 2018, PG. 73)

15' WATER LINE  
EASEMENT  
(VOL. P, PG. 673)

FIRE LANE EASEMENT  
(VOL. P, PG. 673)

17 1/2" SANITARY  
SEWER EASEMENT  
(VOL. P, PG. 673)

17 1/2" WATER EASEMENT  
(VOL. R, PG. 109)

17 1/2" WATER EASEMENT  
(VOL. R, PG. 109)

17 1/2" SANITARY  
SEWER EASEMENT  
(VOL. P, PG. 673)

**North Texas Surveying, L.L.C.**  
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

Bearings are based on the Horizontal and Vertical Control Datasheet, provided by Kinley-Horn, prepared by Bossline Corporation, dated June 02, 2015, for State Highway No. 5 (Cont. 0047; Sect. 04; Job 022).

**EXHIBIT "A"  
15' 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 Lot 1R1, Block A, of **IESI-MCKINNEY ADDITION**, an addition to the City of McKinney, as recorded in Volume 2009, Page 42, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said tract being more particularly described as follows:

**BEGINNING** at a point for corner, being in the most easterly south line of said Lot 1R1, same being in the northerly line of a tract of land, described by deed to Todd N. McCracken and wife, Jacqueline A. McCracken, as recorded under County Clerk's File No. 95-0056432, of the Deed Records, Collin County, Texas (D.R.C.C.T.), from which a 2" iron rod found bears, South 89°51'34" East, a distance of 30.02';

**THENCE** North 89°51'34" West, along the common line between said Lot 1R1 and McCracken tract, a distance of 15.01' to a point for corner;

**THENCE** North 02°17'48" East, over and across said Lot 1R1, a distance of 175.01' to a point for corner, being in the most easterly north line of said Lot 1R1, same being in the southerly line of a tract of land, described by deed to Joe Banks Middleton, as recorded in Volume 3424, Page 280, D.R.C.C.T.;

**THENCE** South 89°26'31" East, along the common line between said Lot 1R1 and Middleton tract, a distance of 15.01' to a point for corner;

**THENCE** South 02°17'48" West, over and across said Lot 1R1, a distance of 174.90' to the **POINT OF BEGINNING** and containing 2,625 square feet or 0.060 acres of land, more or less.



*Michael B. Arthur*

**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

DATE:	06/24/2020
REVISED:	
SCALE:	1" = 100'
CHK'D. BY:	M.B.A.
JOB NO.:	2019-0091

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

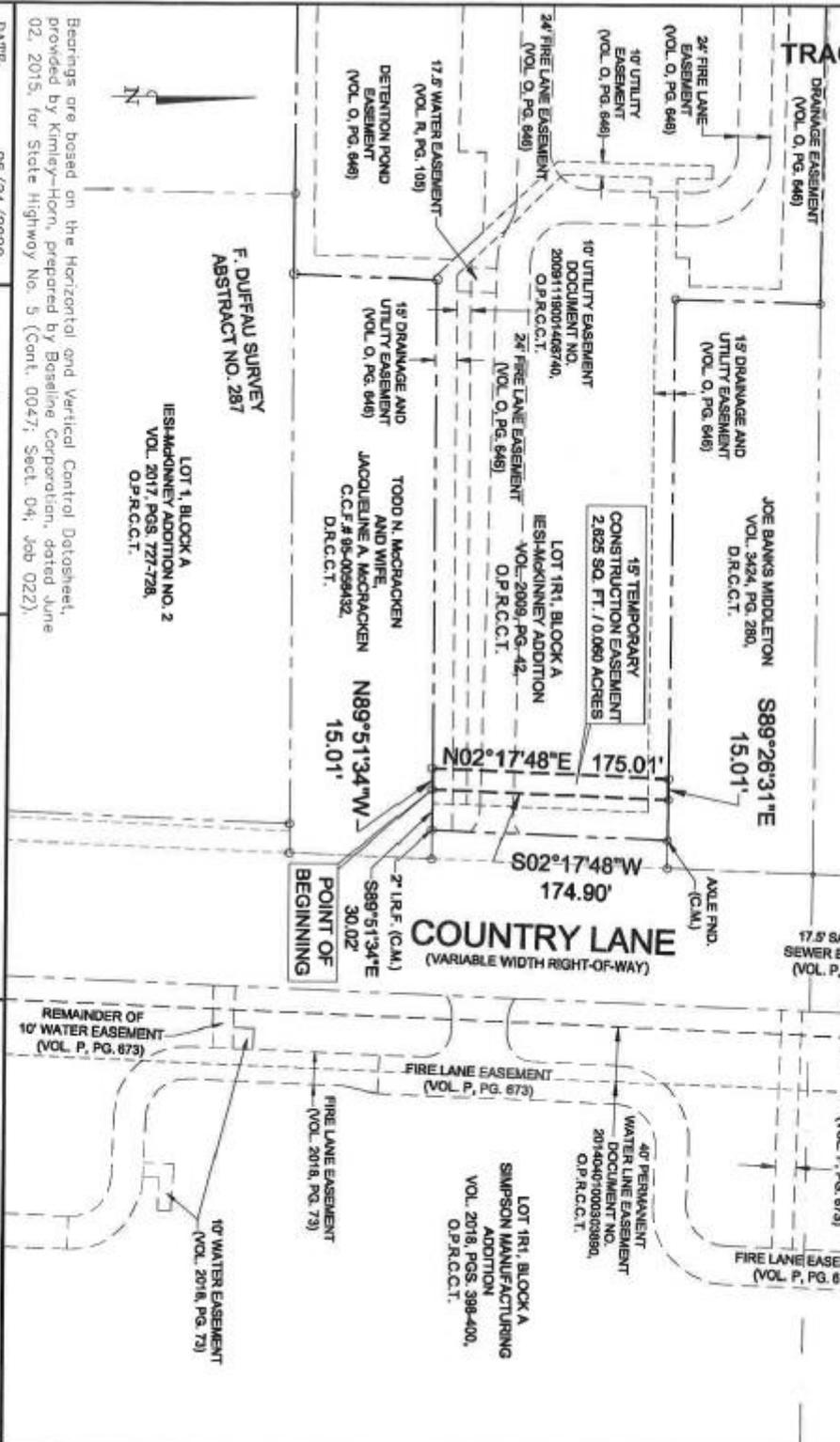
	<p><b>North Texas Surveying, L.L.C.</b> Registered Professional Land Surveyors</p> <p>1010 West University Drive McKinney, Tx. 75069 Ph. (469) 424-2074 Fax: (469) 424-1987 www.northtexassurveying.com Firm Registration No. 10074200</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

PAULA F. RUDD  
VOL. 2616, PG. 305,  
D.R.C.C.T.

W. S. RICHARDSON SURVEY  
ABSTRACT NO. 747

EXHIBIT "B"

**TRACT II**



Bearings are based on the Horizontal and Vertical Control Datasheet, provided by Kinley-Horn, prepared by Baseline Corporation, dated June 02, 2015, for State Highway No. 5 (Cont. 0047, Sect. 04, Job 022).

DATE:	06/24/2020
REVISED:	
SCALE:	1" = 100'
CHK'D. BY:	M.B.A.
JOB NO.:	2019-0091

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



**North Texas Surveying, L.L.C.**  
Registered Professional Land Surveyors  
1010 West University Drive  
McKinney, Tx. 75069  
Ph. (469) 424-2074 Fax: (469) 424-1997  
www.northtxsurveying.com  
Firm Registration No. 10074200