

..Title

Consider/Discuss/Act Upon Adoption of a Resolution Determining a Public Necessity to Acquire Certain Property for Public Use by Eminent Domain for a Drainage Easement for the Construction, Access and Maintenance Associated with the FM 543 Realignment Project Commencing from US 75 Continuing Northwesterly for Approximately 2400 Feet; Authorizing the City Manager to Establish Procedures for Acquiring the Drainage Easement on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions

..Summary

MEETING DATE: August 5, 2013

DEPARTMENT: Development Services / Engineering

CONTACT: Michael Hebert, PE, Assistant Director of Engineering

RECOMMENDED CITY COUNCIL ACTION:

- Approval of Resolution using a motion in a form substantially similar to the following:

“I move that the City of McKinney, Texas, City Council approve this item as written and adopt the Resolution described in this agenda item and authorize the use of the power of eminent domain to acquire for public use the necessary easement from the owners of the property depicted on and described by metes and bounds attached to said Resolution, said depiction and description being incorporated in their entirety into this motion for all purposes including the construction, access, maintenance and realignment of FM 543 from US 75 continuing northwesterly for approximately 2400 feet.”

ITEM SUMMARY:

- This Resolution provides authority to the City Manager to execute documents for the acquisition of a drainage easement; and the use of Eminent Domain to condemn property to construct the realignment of FM 543 from US 75 continuing northwesterly for approximately 2400 feet.

BACKGROUND INFORMATION:

- TxDOT is reconstructing US 75 between Bloomdale Road and Telephone Road including the reconfiguration of the interchange at FM 543 to be in conformance with the City's Master Thoroughfare Plan.
- The City of McKinney Capital Improvements Program includes the realignment of a section of FM 543 north of US 75 to align with the reconfigured interchange.

- The Project will provide approximately 1800 feet of 4-lane divided arterial roadway extending northwest of US 75, and 2000 feet of 2-lane arterial roadway that will connect to the existing section of FM 543.
- The Project includes paving, drainage, signage, striping and illumination improvements.
- Construction is anticipated to commence in July of 2013 with an estimated completion time of 6 months.
- The City needs to acquire a drainage easement prior to completion of construction of the Project.
- The acquisition of the following property is necessary for the FM 543 Realignment Project:

Property Owner	Description	Area	Resolution Exhibit
Masoud Sadeghian	Drainage Easement	0.0778 Acres	B

- The subject drainage easement is adjacent to Honey Creek and necessary to avoid increased drainage flow, as a result of the FM 543 realignment project, though a designated wetlands area.
- The affected property owner, Masoud Sadeghian, has been informed of the project details and proposed acquisition.
- The City's attempt to amicably acquire the necessary property rights from the landowner voluntarily through the making of a bona fide offer prior to filing an action in Eminent Domain has been unsuccessful.
- The appraisal firm of Integra Realty Resources will complete an appraisal and a final offer letter will be sent to the affected property owner.

FINANCIAL SUMMARY:

- Funds for the easement acquisition are available in the Capital Improvements Program in ST6091.

BOARD OR COMMISSION RECOMMENDATION:

- N/A