

RESOLUTION NO. 2013-04- ____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTIES FOR PUBLIC USE BY EMINENT DOMAIN FOR RIGHT OF WAY (IN FEE SIMPLE) ASSOCIATED WITH THE HISTORIC FLOUR MILL INFRASTRUCTURE PROJECT ALONG LOUISIANA STREET FROM STATE HIGHWAY 5 TO THROCKMORTON STREET; GREENVILLE STREET FROM LOUISIANA STREET TO ANDREWS STREET; THROCKMORTON STREET FROM LOUISIANA STREET TO VIRGINIA STREET; AND LOUISIANA STREET FROM THROCKMORTON STREET TO OLD SETTLER'S PARK; AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING THE RIGHT OF WAY (IN FEE SIMPLE) ON SAID PROPERTIES, 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 construction of the Historic Flour Mill Infrastructure Project, along Louisiana Street from State Highway 5 to Throckmorton Street; Greenville Street from Louisiana Street to Andrews Street; Throckmorton Street from Louisiana Street to Virginia Street; and Louisiana Street from Throckmorton Street to Old Settler's Park, the location of which is generally set forth on 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 right of way (in fee simple), as described on Exhibit B, 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 Properties for the Historic Flour Mill Infrastructure 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 construction of the Historic Flour Mill Infrastructure Project and to acquire the necessary Properties 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 described in Exhibit B.

Section 4. That the City Manager is authorized and directed to negotiate for and to acquire the required Properties 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 Properties 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 Properties to be acquired when such appraisal is necessary and, where necessary, the use of Eminent Domain to condemn the Properties.

Section 5. That the City Manager, or any individual he may so designate, is appointed as negotiator for the acquisition of the Properties 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 Properties. 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 Properties, proceedings in eminent domain to acquire the above-stated interest in the Properties.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 16th DAY OF APRIL 2013.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

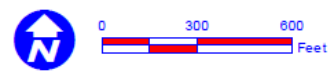
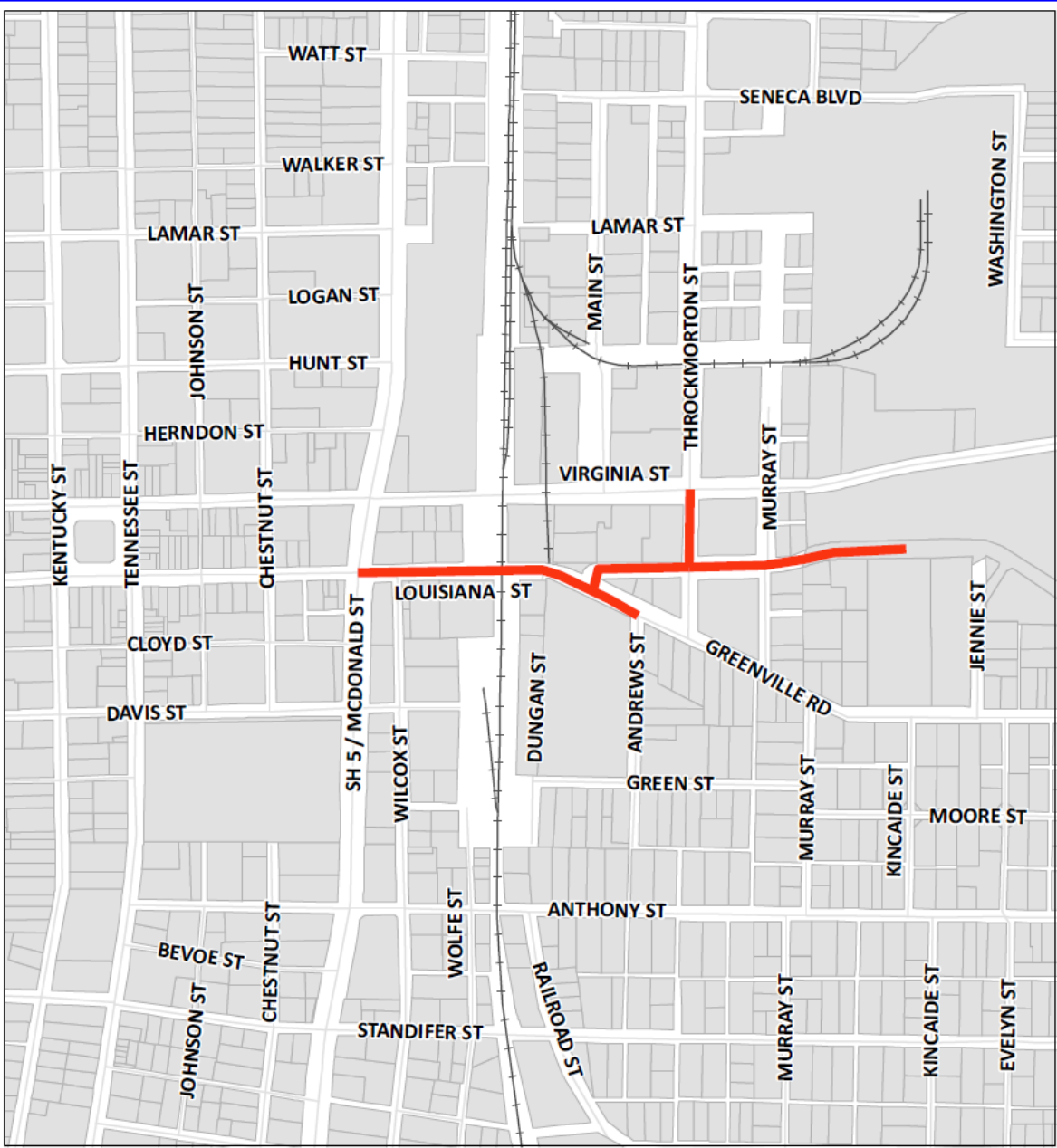
ATTEST:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

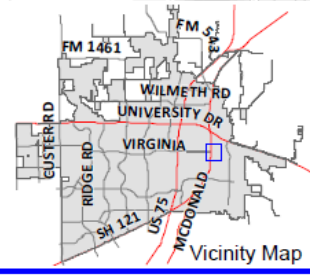
APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

Y:\GIS\Work\Green\Engineering\Council Agenda Items\Historic Flour Mill\Four Mill_v02.mxd



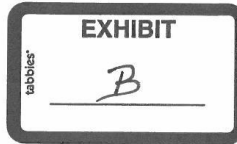
Historic Flour Mill
Infrastructure Project
Location Map
Exhibit A



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"

Depiction and Description of Fee Simple Right of Way on Perez Property



DESCRIPTION OF 3,573 SQ. FT. (0.082 OF AN ACRE)
RIGHT-OF-WAY DEDICATION FOR LOUISIANA STREET
LOCATED IN THE WILLIAM DAVIS SURVEY, ABSTRACT NO. 248
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

Description of a 3,573 square foot (0.082 of an acre) tract of land located in the William Davis Survey, Abstract No. 248, City of McKinney, Collin County, Texas, and being a portion of a called 0.10 acre tract of land as described in the deed to Daniel J. Perez as recorded in Instrument No. 20100818000863650 in the Official Public Records of Collin County, Texas, (OPRCCT), said 3,573 square foot tract of land also being part of Lots 2, 3 & 4, Block 10 of the H. & T.C. Railroad Addition, an addition to the City of McKinney as recorded in Volume 46, Page 2 of the Deed Records of Collin County, Texas, said 3,573 square foot tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with cap stamped "Roome" found (Controlling Monument) (CM) for the westerly corner of said called 0.10 acre tract of land, said point located at the intersection of the southerly right-of-way line of Louisiana Street (a variable width right-of-way) with the northeasterly right-of-way line of Greenville Road (a variable width right-of-way);

THENCE, NORTH 88°50'06" EAST, along the common northerly line of said called 0.10 acre tract of land and southerly right-of-way line of said Louisiana Street, a distance of 141.20 feet to a 1/2 inch iron rod found (CM) for the common northeasterly corner of said called 0.10 acre tract of land and the northwesterly corner of that certain tract of land described in the deed to Daniel J. Perez and wife, Arlene L. Perez as recorded in Instrument No. 20071204001617160 OPRCCT (hereinafter referred to as "Perez and Wife tract");

THENCE, SOUTH 29°36'27" WEST, along the common southeasterly line of said called 0.10 acre tract of land and northwesterly line of said "Perez and Wife" tract, a distance of 1.62 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA & ASSOCIATES" set for the beginning of a non-tangent curve to the left;

THENCE, WESTERLY, along said curve to the left, having a radius of 87.50 feet, a central angle of 05°26'05", with a chord bearing of SOUTH 78°27'37" WEST, and a chord length of 8.30 feet, for an arc distance of 8.30 feet, to a 5/8 inch iron rod with cap stamped "GORRONDONA & ASSOCIATES" set for the point of compound curvature of a curve to the left;

THENCE, WESTERLY, along said curve to the left, having a radius of 387.50 feet, a central angle of 01°34'19", with a chord bearing of SOUTH 74°57'24" WEST, and a chord length of 10.63 feet, for an arc distance of 10.63 feet, to a 5/8 inch iron rod with cap stamped "GORRONDONA & ASSOCIATES" set for the point of compound curvature to the left;

DESCRIPTION OF 3,573 SQ. FT. (0.082 OF AN ACRE)
RIGHT-OF-WAY DEDICATION FOR LOUISIANA STREET
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THENCE, SOUTHWESTERLY, along said curve to the left, having a radius of 8.00 feet, a central angle of 51°16'50", with a chord bearing of SOUTH 48°31'50" WEST, and a chord length of 6.92 feet, for an arc distance of 7.16 feet, to a 5/8 inch iron rod with cap stamped "GORRONDONA & ASSOCIATES" set for point of tangency of said curve;

THENCE, SOUTH 22°53'24" WEST, a distance of 49.65 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA & ASSOCIATES" set for the point of curvature of a tangent curve to the left;

THENCE, SOUTHERLY, along said curve to the left, having a radius of 8.00 feet, a central angle of 20°54'56", with a chord bearing of SOUTH 12°25'56" WEST, and a chord length of 2.90 feet, for an arc distance of 2.92 feet, to a 5/8 inch iron rod with cap stamped "GORRONDONA & ASSOCIATES" set for corner in the common southwesterly line of said called 0.10 acre tract of land and northeasterly right-of-way line of said Greenville Road;

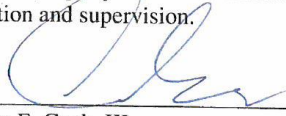
THENCE, NORTH 59°54'33" WEST, along the common southwesterly line of said called 0.10 acre tract of land and northeasterly right-of-way line of said Greenville Road, a distance of 111.93 feet to the **POINT OF BEGINNING**.

Containing a calculated area of 3,573 Square Feet (0.082 of an Acre).

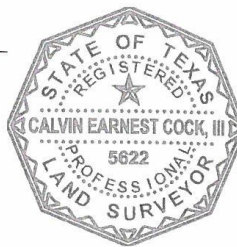
All bearings and coordinates are referenced to the City of McKinney coordinate system, all distances and areas shown are surface.

A plat of same date accompanies this description.

I, Calvin E. Cock, III, a Registered Professional Land Surveyor, do hereby declare that this description and accompanying plat is true and correct to the best of my knowledge and belief and that the property described herein was determined by survey made on the ground under my direction and supervision.

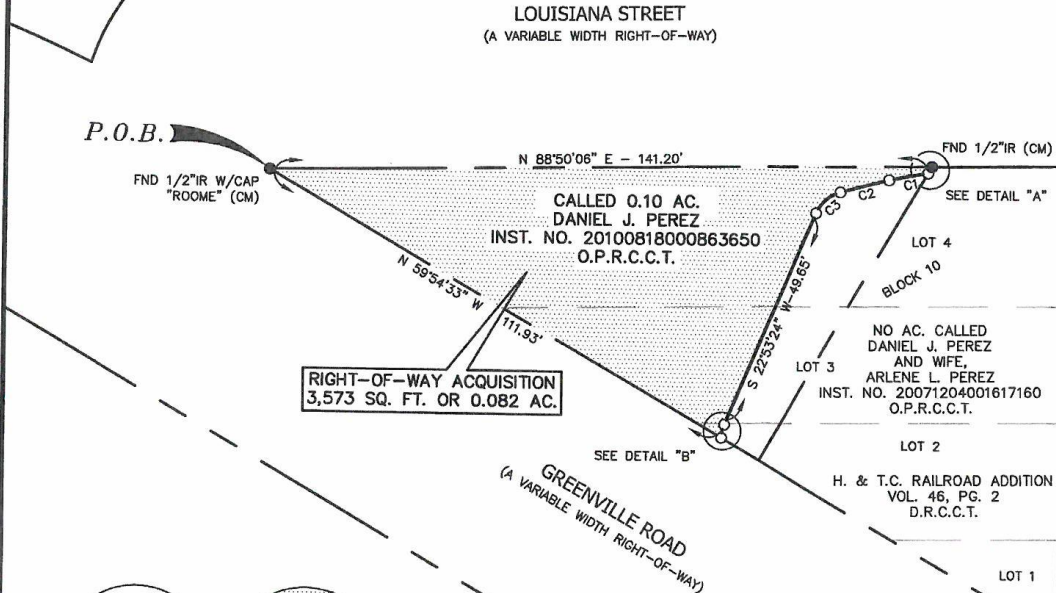
 12/14/12

Calvin E. Cock, III
Registered Professional Land Surveyor No. 5622
Gorrondona & Associates, Inc.
1701 North Market Street, Suite 450 LB 5
Dallas, Texas 75202
Office 214-712-0600 Fax 214-712-0604

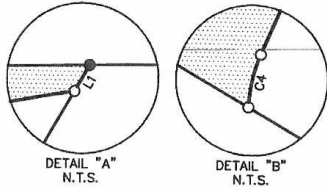


CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	87.50'	05°26'05"	8.30'	S 78°27'37" W	8.30'
C2	387.50'	01°34'19"	10.63'	S 74°57'24" W	10.63'
C3	8.00'	51°16'50"	7.16'	S 48°31'50" W	6.92'
C4	8.00'	20°54'56"	2.92'	S 12°25'56" W	2.90'

WILLIAM DAVIS SURVEY ABSTRACT NO. 248



RIGHT-OF-WAY ACQUISITION
3,573 SQ. FT. OR 0.082 AC.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 29°36'27" W	1.62'

- LEGEND**
- FND MONUMENT (TYPE NOTED)
 - SET 5/8" IR W/CAP STAMPED "GORRONDONA & ASSOCIATES"
 - FND FOUND
 - IR IRON ROD
 - CM CONTROLLING MONUMENT
 - O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS COLLIN COUNTY, TEXAS
 - D.R.C.C.T. DEED RECORDS COLLIN COUNTY, TEXAS
 - P.O.B. POINT OF BEGINNING

- NOTES:**
1. A LEGAL DESCRIPTION OF EVEN SURVEY DATE HEREWITH ACCOMPANIES THIS PLAT.
 2. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE CITY OF MCKINNEY COORDINATE SYSTEM, ALL DISTANCES AND AREAS SHOWN ARE SURFACE.

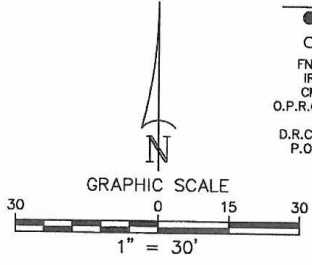
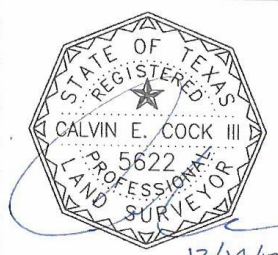


EXHIBIT SHOWING

3,073 SQ. FT. (0.082 AC.)
WILLIAM DAVIS SURVEY, A-248
MCKINNEY, COLLIN COUNTY, TEXAS



PARCEL NO. 1	LOUISIANA RIGHT-OF-WAY	
RIGHT-OF-WAY ACQUISITION AREA: 3,573 SQ. FT. OR 0.082 AC.		
JOB NO. BMDCI104.00	DRAWN BY: CEC	CADD FILE: PARCEL 1.DWG
DATE: DECEMBER 14, 2012	PAGE 3 OF 3	SCALE: 1" = 30'

CALVIN E. COCK III
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5622