

RESOLUTION NO. 2022-03-_____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY FOR PUBLIC USE BY EMINENT DOMAIN FOR RIGHT-OF-WAY (IN FEE SIMPLE ASSOCIATED WITH THE GREEN AND ANDREWS INFRASTRUCTURE IMPROVEMENTS PROJECT ROAD FROM GREEN STREET (DUNGAN STREET TO MURRAY STREET) AND ANDREWS STREET (GREEN STREET TO GREENVILLE ROAD); AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING THE RIGHT-OF-WAY (IN FEE SIMPLE) ON SAID PROPERTY, 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 Green and Andrews Infrastructure Improvements Project from Green Street (Dungan Street to Murray Street) and Andrews Street (Green Street to Greenville Road), the location of which is 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 Right-of-Way (in fee simple, as described on Exhibit B, 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 Green and Andrews Infrastructure Improvements 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 Extension of Ridge Road Infrastructure Project of the Green and Andrews Infrastructure Improvements Project from Green Street (Dungan Street to Murray Street) and Andrews Street (Green Street to Greenville Road) 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 that certain lot, tract or parcel 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 15th DAY OF MARCH 2022.

CITY OF MCKINNEY, TEXAS:

GEORGE C. FULLER
Mayor

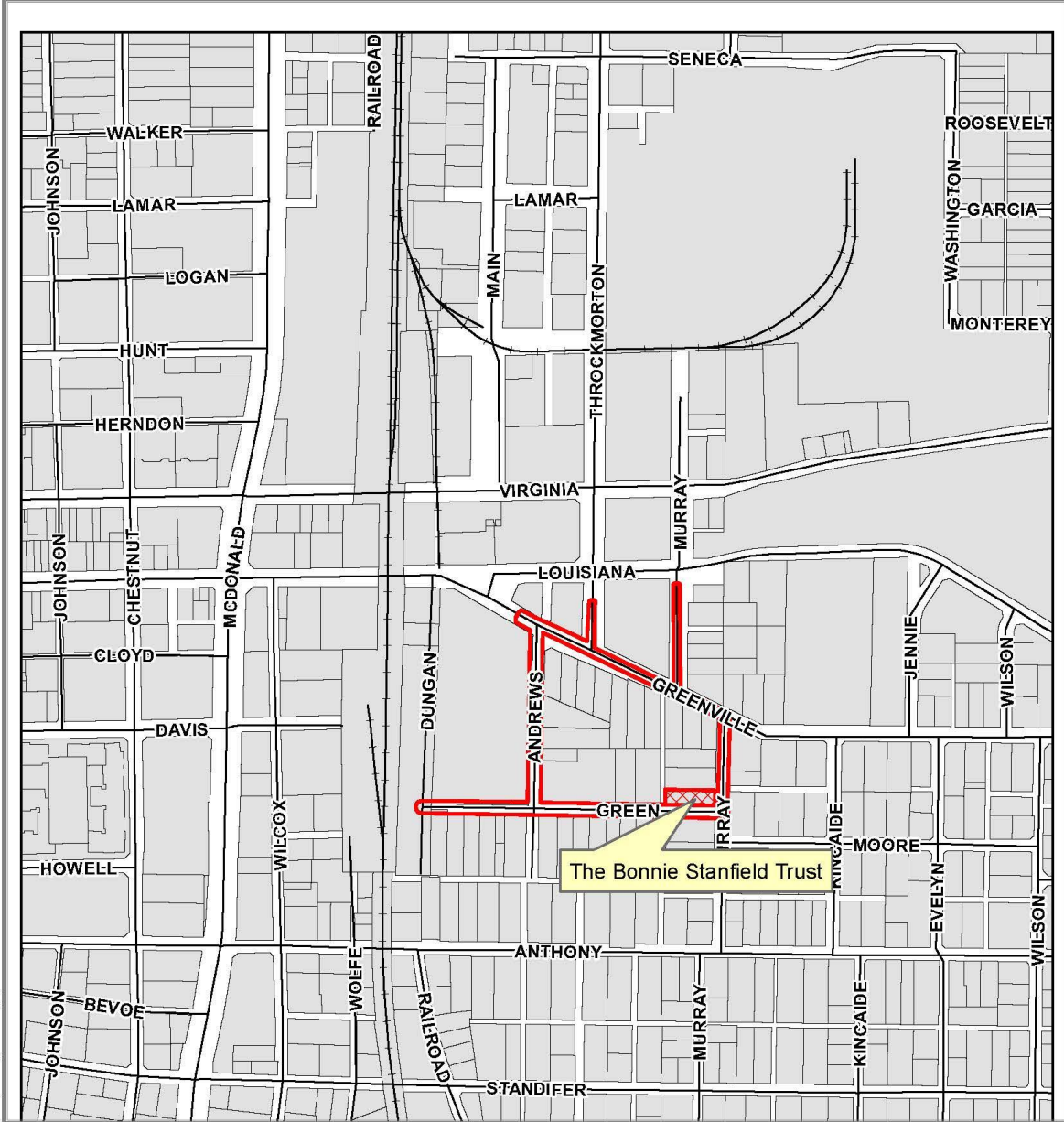
ATTEST:

EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

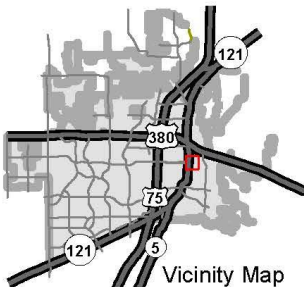
APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

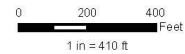
EXHIBIT "A" Location Map



Document Path: X:\GIS\Work\Projects\CO2067\LocationMap\Dev_Services_Notifications_Map.mxd



Location Map CO2067 Green & Andrews Infrastructure Improvements Project



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.



Source: City of McKinney GIS
Date: 2/28/2022

EXHIBIT B

Depiction and Description of Fee Simple Right of Way

Owner: Bonnie Stanfield Trust

EXHIBIT "A"

LEGAL DESCRIPTION

BEING, all of that 0.002 acre (72 square foot) tract of land situated in the W. Davis Survey, Abstract Number 248, in the City of McKinney, Collin County, Texas; being part of that tract of land described in Warranty Deed to Bonnie Stanfield Trust as recorded in Instrument Number 20140514000477570 of the Official Public Records of Collin County, Texas and being part of Lot 5 of the Geo. M. Wilson Addition, an addition to the City of McKinney as recorded in Volume 1, Page 23 of the Plat Records of Collin County, Texas; said 0.002 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING, at a 1/2-inch iron rod found at the southeast corner of said Lot 5; said point being the intersection of the north right-of-way line of Green Street (40-foot right-of-way) with the west right-of-way line of S. Murray Street (40-foot right-of-way); from said point an "X" cut in concrete found at the northeast corner of Lot 6 of said Geo. M. Wilson Addition bears South 00° 50' 52" West, a distance of 40.00 feet;

THENCE, North 89° 09' 08" West, along the south line of said Lot 5 and the north line of said Green Street, a distance of 12.00 feet to a 5/8-inch iron rod with "BGE" cap set for corner;

THENCE, North 45° 50' 52" East, departing the south line of said Lot 5 and the north line of said Green Street, a distance of 16.97 feet to a 5/8-inch iron rod with "BGE" cap set for corner in the east line of said Lot 5; said point being in the west line of said S. Murray Street;

THENCE, South 00° 50' 52" West, with the east line of Lot 5 and the west line of S. Murray Street, a distance of 12.00 feet to the POINT OF BEGINNING and containing an area of 0.002 acres or 72 square feet of land, more or less.

5/12/2021

René Silvas
Registered Professional
Land Surveyor No. 5921



BOUNDARY SURVEY

BEING PART OF LOT 5, GEO. M. WILSON ADDITION
AND BEING 0.002 ACRES OUT OF
THE W. DAVIS SURVEY, ABSTRACT NUMBER 248,
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS
APRIL 20, 2021



BGE, Inc.

777 Main Street, Suite 1900, Fort Worth, TX 76102

Tel: 817-887-6130 • www.bgeinc.com

TBPLS Registration No. 10194416

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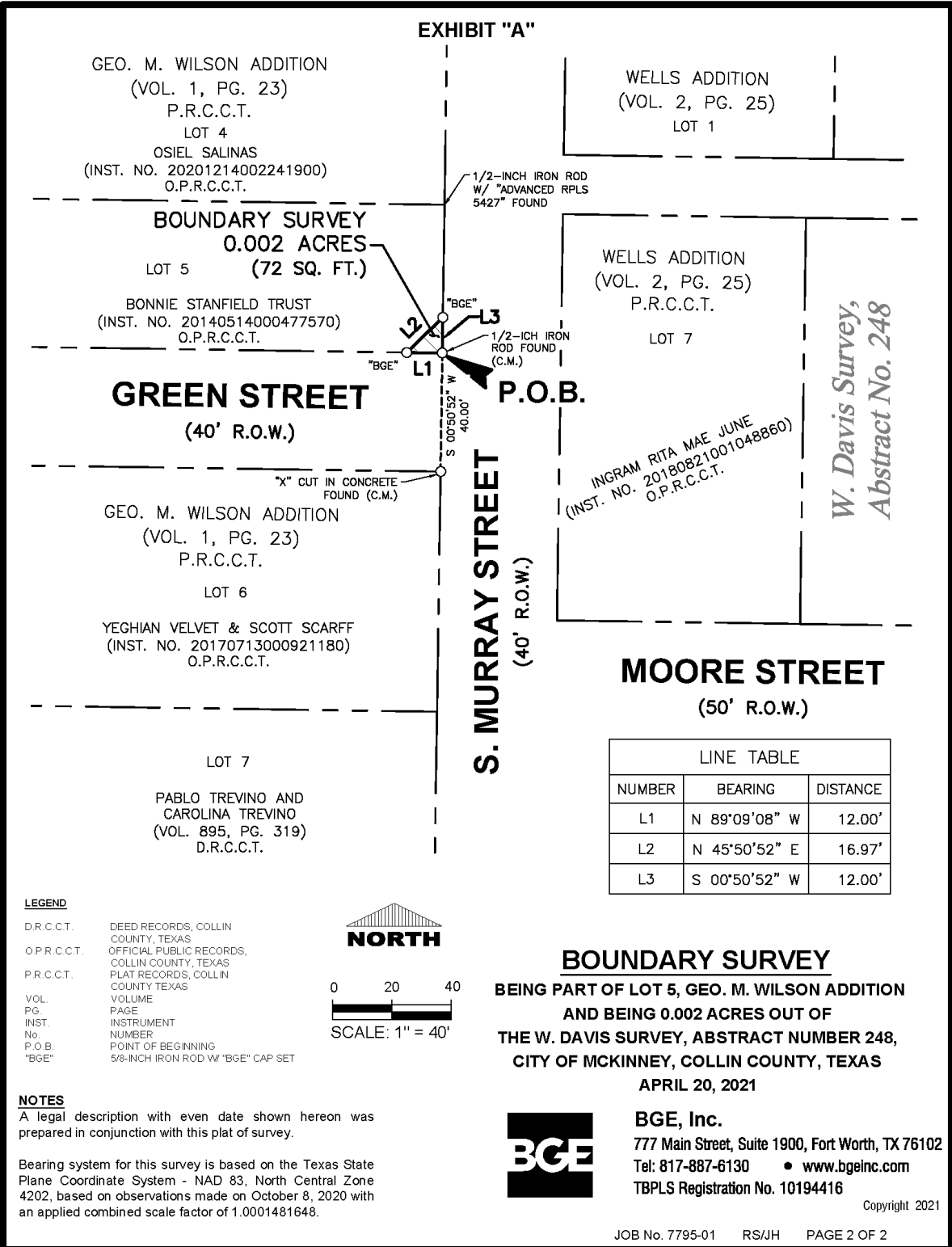
NOTES

A plat of survey with even date shown hereon was prepared in conjunction with this legal description.

Bearing system for this survey is based on the Texas State Plane Coordinate System - NAD 83, North Central Zone 4202, based on observations made on October 8, 2020 with an applied combined scale factor of 1.0001481648.

JOB No. 7795-01 RS/JH PAGE 1 OF 2

EXHIBIT "A"



GEO. M. WILSON ADDITION
(VOL. 1, PG. 23)
P.R.C.C.T.
LOT 4
OSIEL SALINAS
(INST. NO. 20201214002241900)
O.P.R.C.C.T.

WELLS ADDITION
(VOL. 2, PG. 25)
LOT 1

BOUNDARY SURVEY
0.002 ACRES
(72 SQ. FT.)
LOT 5

BONNIE STANFIELD TRUST
(INST. NO. 20140514000477570)
O.P.R.C.C.T.

WELLS ADDITION
(VOL. 2, PG. 25)
P.R.C.C.T.
LOT 7

GREEN STREET
(40' R.O.W.)

P.O.B.

INGRAM RITA MAE JUNE
(INST. NO. 20180821001048860)
O.P.R.C.C.T.

W. Davis Survey,
Abstract No. 248

GEO. M. WILSON ADDITION
(VOL. 1, PG. 23)
P.R.C.C.T.
LOT 6

YEGHIAN VELVET & SCOTT SCARFF
(INST. NO. 20170713000921180)
O.P.R.C.C.T.

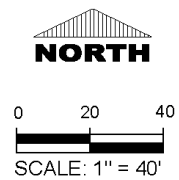
S. MURRAY STREET
(40' R.O.W.)

MOORE STREET
(50' R.O.W.)

LOT 7
PABLO TREVINO AND
CAROLINA TREVINO
(VOL. 895, PG. 319)
D.R.C.C.T.

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N 89°09'08" W	12.00'
L2	N 45°50'52" E	16.97'
L3	S 00°50'52" W	12.00'

LEGEND
D.R.C.C.T. DEED RECORDS, COLLIN COUNTY, TEXAS
O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
P.R.C.C.T. PLAT RECORDS, COLLIN COUNTY TEXAS
VOL. VOLUME
PG. PAGE
INST. INSTRUMENT
No. NUMBER
P.O.B. POINT OF BEGINNING
"BGE" 5/8-INCH IRON ROD W/ "BGE" CAP SET



BOUNDARY SURVEY
BEING PART OF LOT 5, GEO. M. WILSON ADDITION
AND BEING 0.002 ACRES OUT OF
THE W. DAVIS SURVEY, ABSTRACT NUMBER 248,
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS
APRIL 20, 2021

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