

RESOLUTION NO. 2023-02-_____ (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 A WATER LINE AND SANITARY SEWER EASEMENT ASSOCIATED WITH THE SH 5 UTILITY RELOCATION PROJECT (WA1633 & WW1633); AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING SAID EASEMENT, 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 SH 5 Utility Relocation Project (WA1633 & WW1633), 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 a Water Line and Sanitary Sewer Easement, as described and depicted in Exhibit A, 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 SH 5 Utility Relocation Project (WA1633 & WW1633).
- 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 SH 5 Utility Relocation Project (WA1633 & WW1633), 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 and depicted in Exhibit A.
- 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, authorize and pay appraisal and litigation expenses incurred through a condemnation process, 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 21st DAY OF MARCH 2023.

CITY OF MCKINNEY, TEXAS:

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT "A"
WATER AND SANITARY
SEWER EASEMENT - P31
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

Being a tract of land, situated in the Samuel McFarland Survey, Abstract No. 558, in the City of McKinney, Collin County, Texas, and being a part of Lot 20, of **PARKWOOD ADDITION**, an addition to the City of McKinney, as recorded in Volume 1, Page 7, of the Map Records, Collin County, Texas (M.R.C.C.T.), and being a part of that tract of land, described by deed to FSG, LLC, as recorded under Document No. 20190501000480010, 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 1/2" iron rod with a plastic cap stamped "GORRONDONNA" found at the intersection of the southerly monumented line of Dorsey Avenue and the northwesterly monumented line of McDonald Street;

THENCE North 88°27'31" West, along said northerly monumented line of Dorsey Avenue, a distance of 17.68' to a point for corner;

THENCE over and across said FSG, LLC tract, the following (2) two courses and distances:

North 46°36'40" East, a distance of 18.94' to a point for corner;

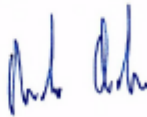
North 31°03'22" East, a distance of 35.90' to a point for corner in the easterly line of said FSG, LLC tract, same being in the westerly monumented line of Chestnut Street;

THENCE South 05°15'26" West, along said westerly monumented line of Chestnut Street, a distance of 27.21' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" found at the intersection of the westerly monumented line of said Chestnut Street and the aforementioned northwesterly monumented line of McDonald Street;


THENCE South 35°15'29" West, along said northwesterly monumented line of McDonald Street, a distance of 21.00' to the **POINT OF BEGINNING** and containing 446 square feet or 0.010 acre of land, more or less.

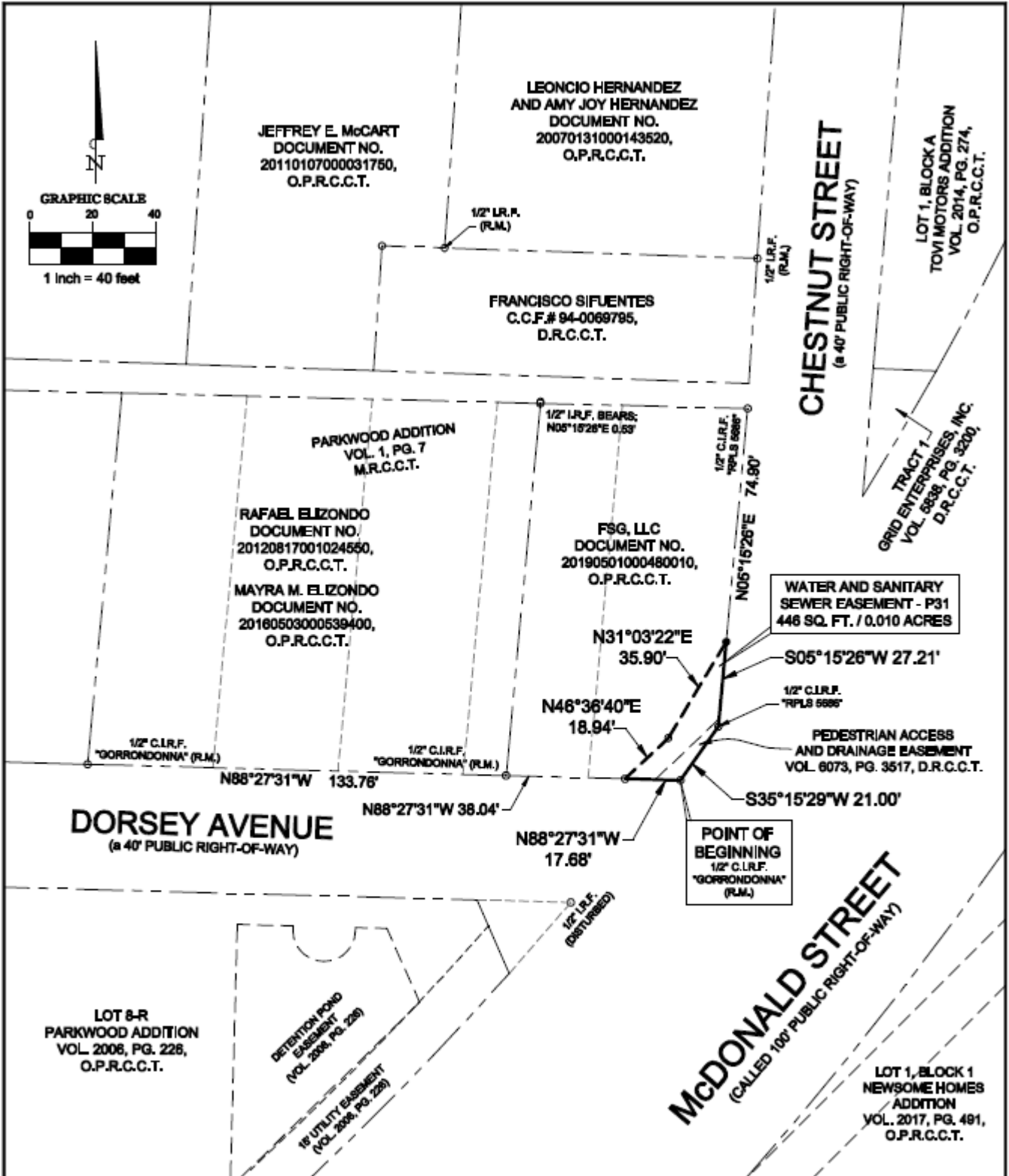
ABBREVIATIONS

I.R.F. = Iron Rod Found
(R.M.) = Reference 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




Bearings, elevations and coordinates (surface), are based on the Horizontal and Vertical Control Datasheet, provided by Kimley-Horn, prepared by Baseline Corporation, dated June 02, 2015, for State Highway No. 5 (Cont. 0047; Sect. 04; Job 022). All coordinates shown are surface and may be converted to grid by dividing by a combined scale adjustment factor of 1.000152710.

DATE:	03/31/2021	WATER AND SANITARY SEWER EASEMENT - P31 0.010 ACRES IN THE SAMUEL MCFARLAND SURVEY ABSTRACT NO. 558 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) 484-2074 Fax: (469) 424-1997 www.northtexassurveying.com Firm Registration No. 10074200
REVISED:			
SCALE:	1" = 40'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2020-0010		

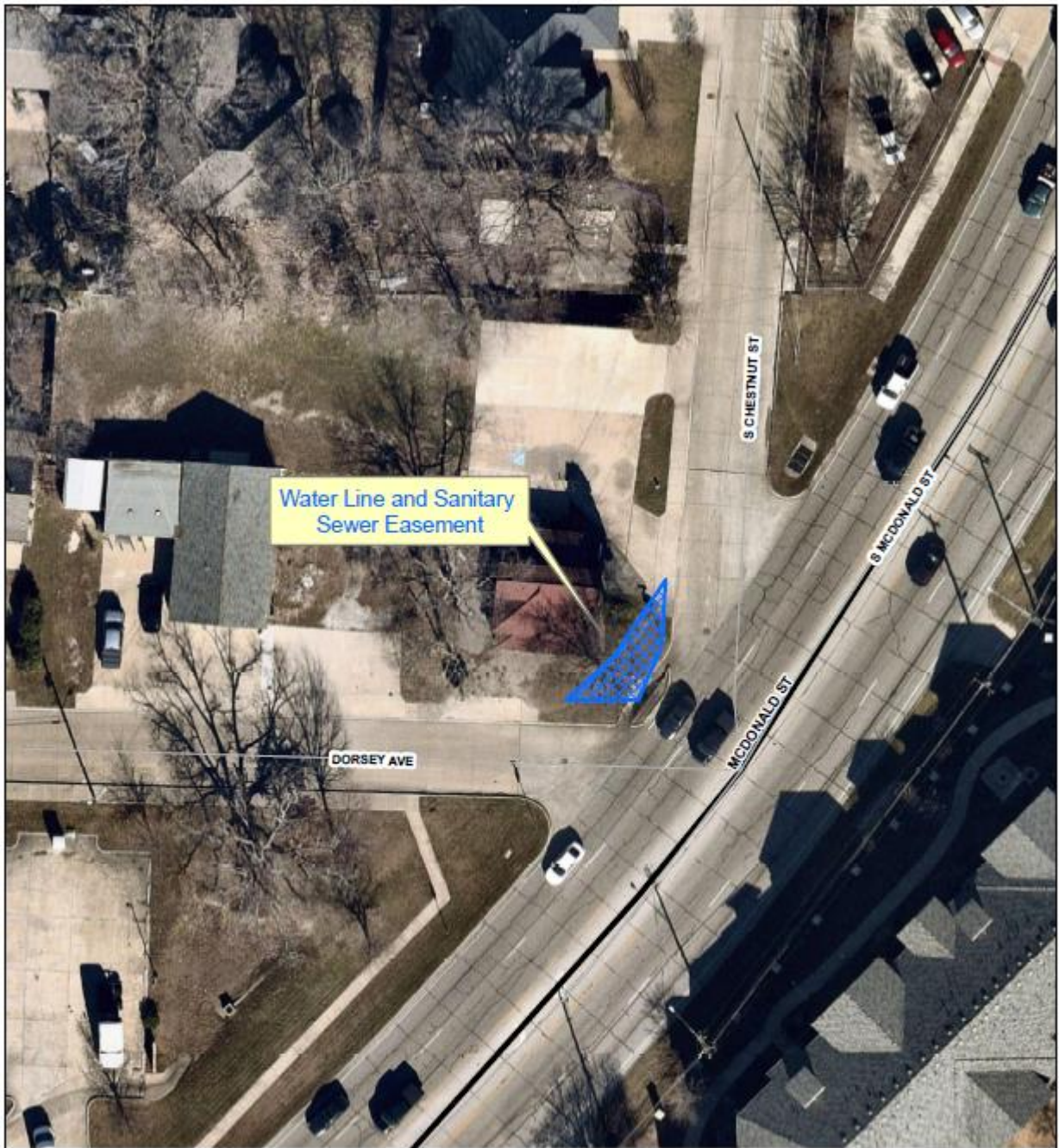


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WATER AND SANITARY
SEWER EASEMENT - P31
0.010 ACRES IN THE
SAMUEL McFARLAND SURVEY
ABSTRACT NO. 558
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Firm Registration No. 10074200



Document Path: Y:\GIS\Work\2022\Map\Map\Project\Map\LocationMap_Twp_Gov\Map_10210222.mxd



Location Map Exhibit "B"

SH 5 Utility Relocation Project Water Line and Sanitary Sewer Easement

Source: City of McKinney GIS
Date: 1/24/2023



1 in = 43 ft
0 20 40 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.

