

RESOLUTION NO. 2022-07-_____ (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 SANITARY SEWER AND TEMPORARY CONSTRUCTION EASEMENTS ASSOCIATED WITH THE HONEY CREEK SANITARY SEWER TRUNK MAIN PROJECT (WW1638); 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 Honey Creek Sanitary Sewer Trunk Main Project (WW1638), 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 Sanitary Sewer and Temporary Construction Easements, as described on Exhibit A, Tract I and Tract II, 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 Honey Creek Sanitary Sewer Trunk Main Project (WW1638).
- 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 Honey Creek Sanitary Sewer Trunk Main Project (WW1638), 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 16th DAY OF AUGUST 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



SOURCE: CITY OF MCKINNEY GIS, DATE: 7/13/2022, SCALE: 1" = 220'



Location Map Exhibit "B"

Honey Creek Sanitary Sewer Trunk Main Sanitary Sewer and Temporary Construction Easements

Source: City of McKinney GIS
Date: 7/13/2022



1 in = 220 ft
0 110 220 Feet

DISCLAIMER: This map and information contained in it was 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 "A"
SANITARY SEWER EASEMENT
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

TRACT I

Being a tract of land, situated in the Meredith Hart Survey, Abstract No. 371, in the City of McKinney, Collin County, Texas, and being a part of Tract Two, as described by deed to Jamal Talukder and wife, Nazneen Talukder, as recorded in Volume 4437, Page 2467, of the Official Public Records, Collin County, Texas (D.R.C.C.T.), said tract being more particularly described, as follows:

COMMENCING at a 1/2" iron rod found for an "ell" corner of said Tract Two, same being the most westerly southwest corner of a tract of land, described by deed to Mike A. Scotti, as recorded under Document No. 20140203000099810, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.);

THENCE North 16°52'47" West, along the common line between said Tract Two and Scotti tracts, a distance of 61.13' to the **POINT OF BEGINNING** of the herein described tract;

THENCE over and across said Tract Two, the following courses and distances:

South 28°15'47" West, a distance of 41.39' to a point for corner;

North 61°03'18" West, a distance of 536.04' to a point for corner;

North 65°03'53" West, a distance of 573.13' to a point for corner;

South 64°55'51" West, a distance of 98.63' to a point for corner in the northeasterly monumented line of F.M. Highway No. 543;

THENCE North 24°50'49" West, along said northeasterly monumented line of F.M. Highway No. 543, a distance of 74.40' to a point for corner;

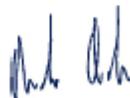
THENCE over and across said Tract Two, the following courses and distances:

North 64°54'26" East, a distance of 101.16' to a point for corner;

South 65°03'53" East, a distance of 630.10' to a point for corner;

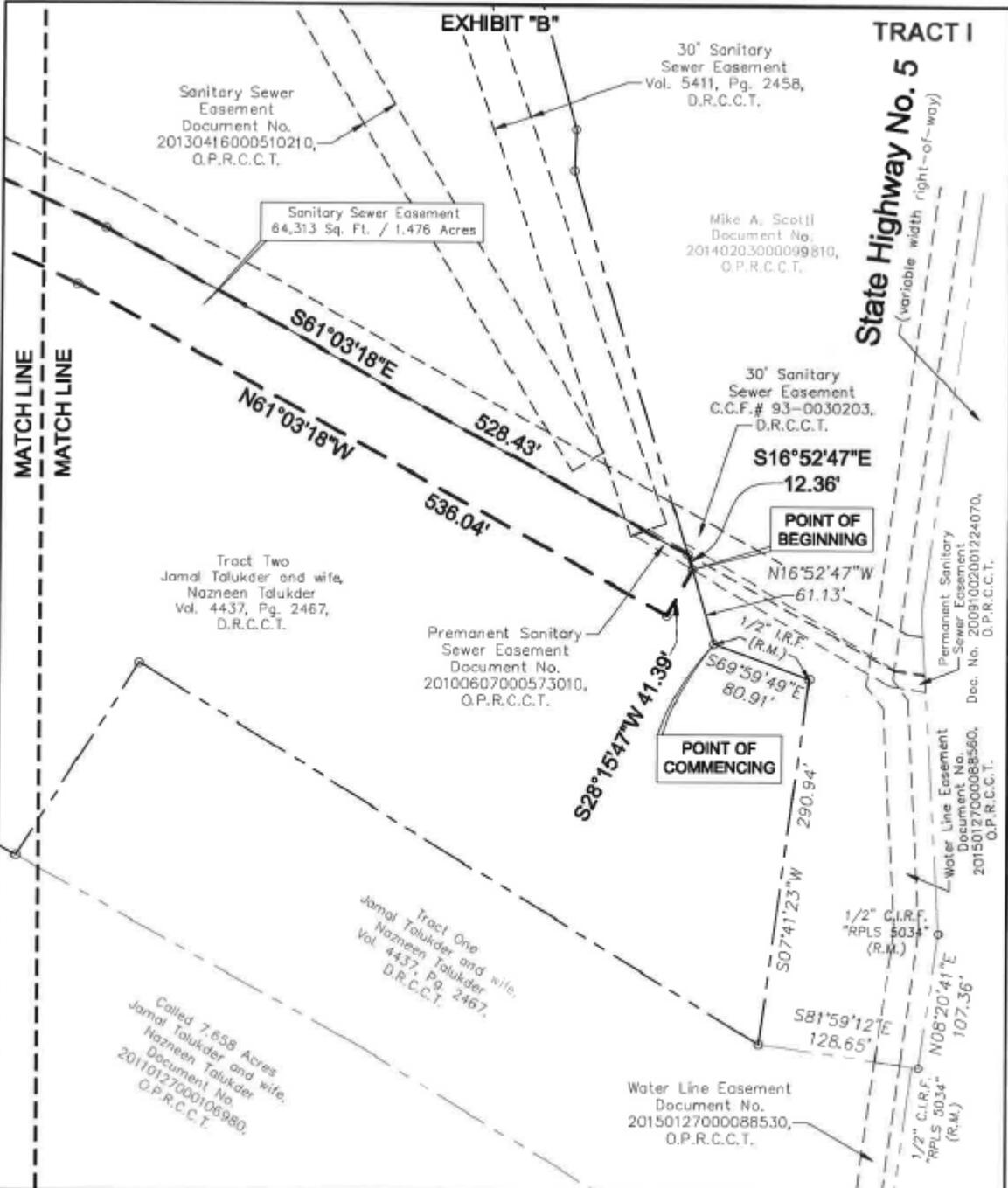
South 61°03'18" East, a distance of 528.43' to a point for corner in the aforementioned common line between said Tract Two and Scotti tracts;

THENCE South 16°52'47" East, along last said common line, a distance of 12.36' to the **POINT OF BEGINNING** and containing 64,313 square feet or 1.476 acres of land, more or less.




Bearings and distances (surface values) are based on the Texas State Plane Coordinate System, North Central Zone (4202), NAD83. Surface to grid conversion factor is 0.999850404.

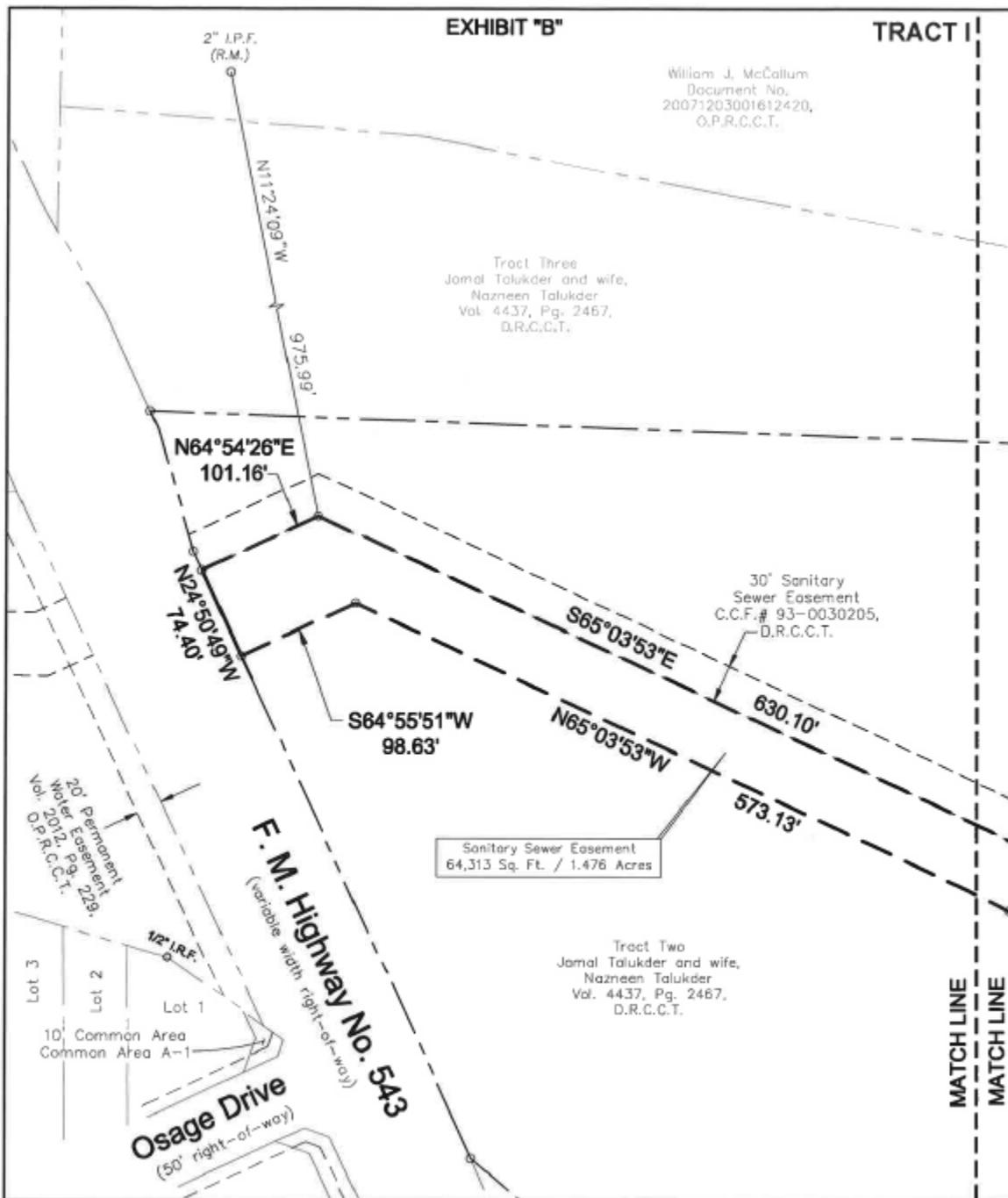
DATE:	07/26/2021	SANITARY SEWER EASEMENT 1.476 ACRES MEREDITH HART SURVEY ABSTRACT NO. 371 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS	 North Texas Surveying, L.L.C. Registered Professional Land Surveyors 1010 West University Drive McKinney, Tx. 75069 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexassurveying.com Firm Registration No. 10074200
REVISED:	10/05/2021		
SCALE:	1" = 200'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2020-0075		



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**EXHIBIT "A"
 TEMPORARY CONSTRUCTION
 EASEMENT
 CITY OF MCKINNEY,
 COLLIN COUNTY, TEXAS**

TRACT II

Being a tract of land, situated in the Meredith Hart Survey, Abstract No. 371, in the City of McKinney, Collin County, Texas, and being a part of Tract Two, as described by deed to Jamal Talukder and wife, Nazneen Talukder, as recorded in Volume 4437, Page 2467, of the Official Public Records, Collin County, Texas (D.R.C.C.T.), said tract being more particularly described, as follows:

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THENCE North 16°52'47" West, along the common line between said Tract Two and Scotti tracts, a distance of 32.91' to the **POINT OF BEGINNING** of the herein described tract;

THENCE over and across said Tract Two, the following courses and distances:

South 28°15'47" West, a distance of 41.73' to a point for corner;

North 61°03'18" West, a distance of 555.58' to a point for corner;

North 65°03'53" West, a distance of 563.10' to a point for corner;

South 64°55'51" West, a distance of 89.38' to a point for corner in the northeasterly monumented line of F.M. Highway No. 543;

THENCE North 24°50'49" West, along said northeasterly monumented line of F.M. Highway No. 543, a distance of 20.00' to a point for corner;

THENCE over and across said Tract Two, the following courses and distances:

North 64°55'51" East, a distance of 98.63' to a point for corner;

South 65°03'53" East, a distance of 573.13' to a point for corner;

South 61°03'18" East, a distance of 536.04' to a point for corner;

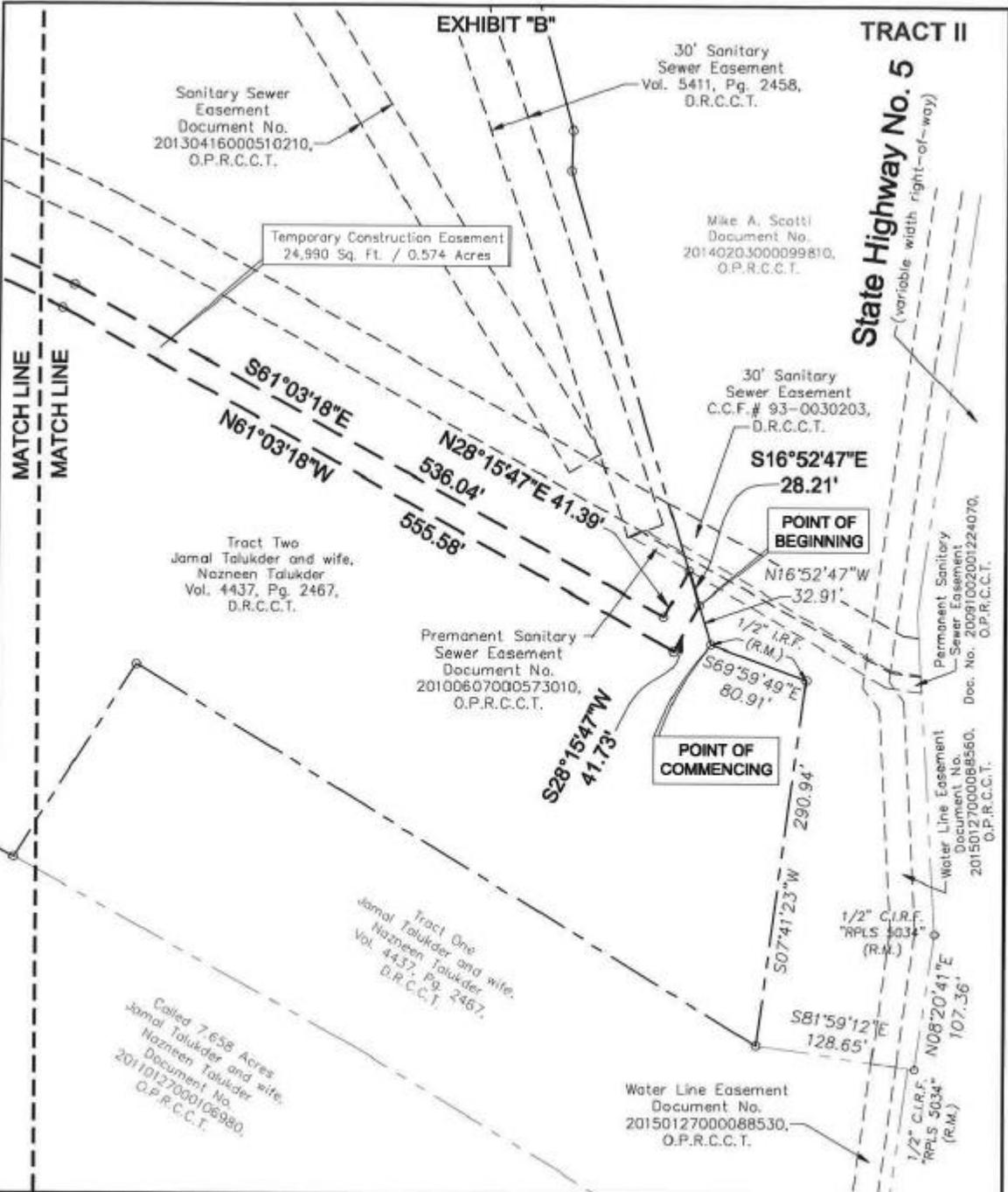
North 28°15'47" East, a distance of 41.39' to a point for corner, in the aforementioned common line between said Tract Two and Scotti tracts;

THENCE South 16°52'47" East, along last said common line, a distance of 28.21' to the **POINT OF BEGINNING** and containing 24,990 square feet or 0.574 acres of land, more or less.




Bearings and distances (surface values) are based on the Texas State Plane Coordinate System, North Central Zone (4202), NAD83. Surface to grid conversion factor is 0.999850404.

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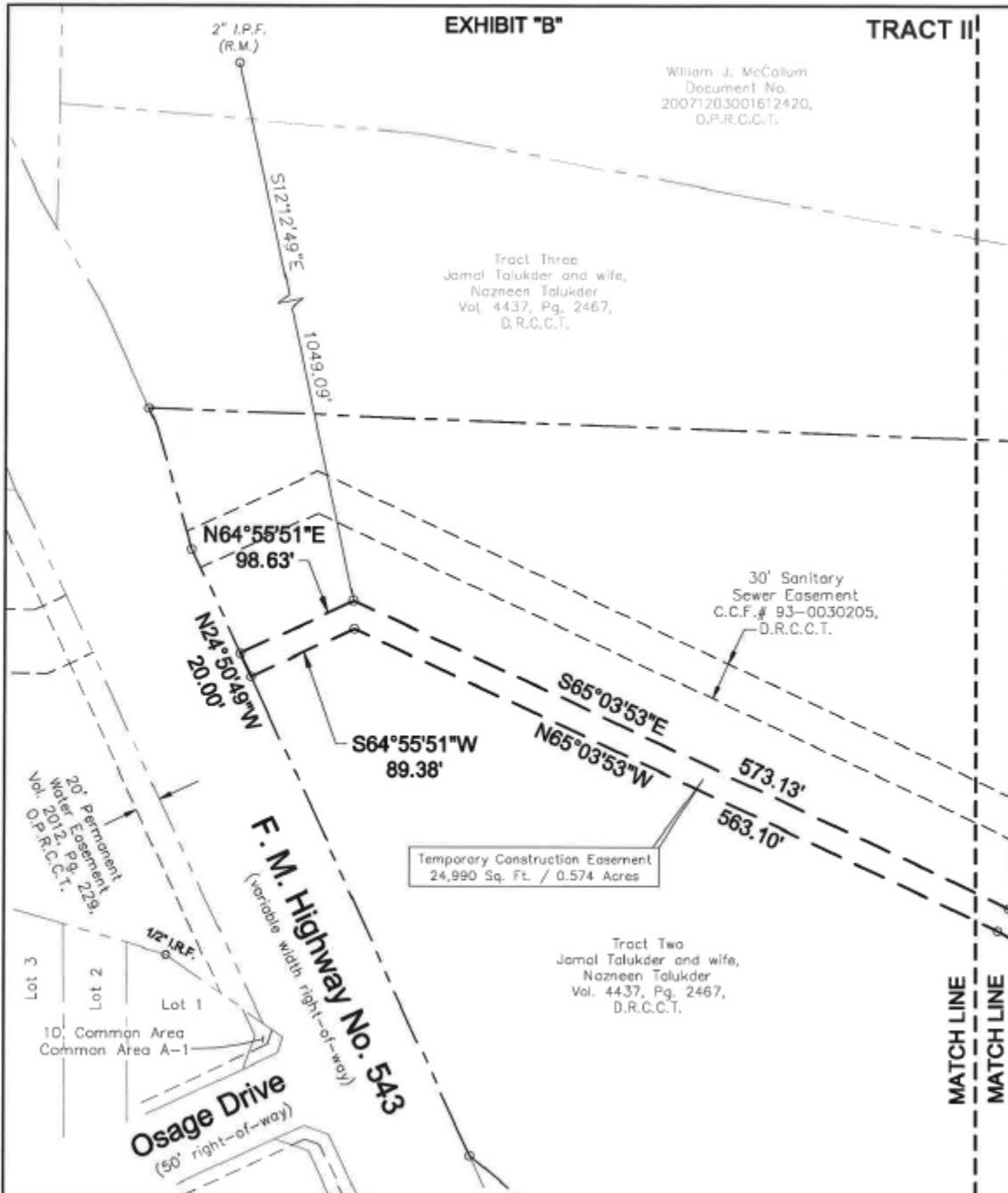


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