

**RESOLUTION NO. 2022-09-\_\_\_\_\_ (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 WATER LINE AND TEMPORARY CONSTRUCTION EASEMENTS ASSOCIATED WITH THE FM 546 AND AIRPORT BLVD. WATER LINE PROJECT (WA4339); 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 FM 546 and Airport Blvd. Water Line Project (WA4339), 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 Water Line and Temporary Construction Easements, as described on Exhibit A, Tract I and Tract II respectively, 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 FM 546 and Airport Blvd. Water Line Project (WA4339).
- 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 FM 546 and Airport Blvd. Water Line Project (WA4339), 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 20<sup>th</sup> DAY OF SEPTEMBER 2022.**

CITY OF MCKINNEY, TEXAS:

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary  
JOSHUA STEVENSON  
Deputy City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney



**Location Map**  
**Exhibit "B"**  
**FM 546 & Airport Dr. Water Line Project**  
**Water Line Easement and**  
**Temporary Construction Easement**

Source: City of McKinney GIS  
 Date: 9/1/2022



1 in = 174 ft  
 0 80 160  
 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 omissions which may exist.



**EXHIBIT 'A'  
WATER LINE EASEMENT  
CITY OF MCKINNEY,  
COLLIN COUNTY, TEXAS**

**TRACT I**

Being a tract of land, situated in the Samuel McFarland Survey, Abstract No. 558, in the City of McKinney, Collin County, Texas, and being all of Lot 1, Block A, of **ALLEN'S WHOLESALE MEATS**, an addition to the City of McKinney, as recorded in Volume P, Page 255, of the Map Records, Collin County, Texas (M.R.C.C.T.), said tract being more particularly described as follows:

**COMMENCING** at a 5/8" iron rod found for the northeasterly corner of said Lot 1, same being in the northwesterly monumented line of State Highway No. 5;

**THENCE** along said northwesterly monumented line of State Highway No. 5, the following two (2) courses and distances:

South 18°32'14" West, a distance of 368.02' to a 1/2" iron rod found for an angle point;

South 24°33'14" West, a distance of 88.04' to a point for corner;

**THENCE** North 65°26'46" West, over and across said Lot 1, a distance of 15.00' to the **POINT OF BEGINNING** of the herein described tract;

**THENCE** over and across said Lot 1, the following courses and distances:

South 24°33'14" West, a distance of 128.60' to a point for corner;

North 65°26'46" West, a distance of 15.00' to a point for corner;

North 24°33'14" East, a distance of 16.44' to a point for corner;

North 65°26'46" West, a distance of 10.00' to a point for corner;

North 24°33'14" East, a distance of 53.58' to a point for corner;

South 65°20'41" East, a distance of 10.00' to a point for corner;

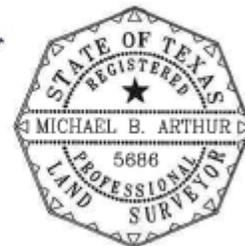
North 24°33'14" East, a distance of 58.60' to a point for corner;

South 65°26'46" East, a distance of 15.00' to the **POINT OF BEGINNING** and containing 2,465 square feet or 0.057 acres of land, more or less.

**ABBREVIATIONS**

I.R.F. = Iron Rod Found  
 (C.M.) = Contrailing 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

*M.B.A.*

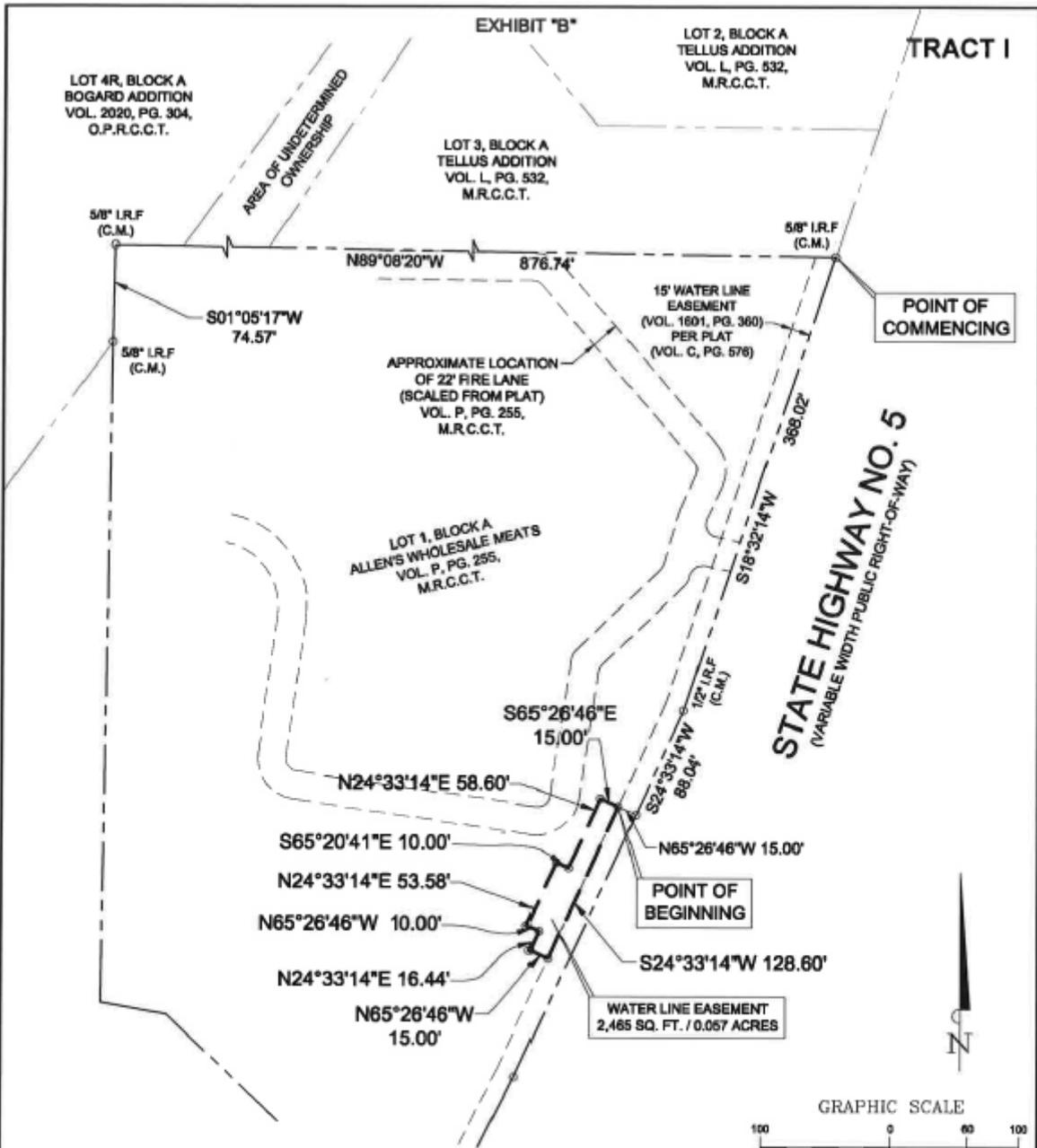


DATE:	05/11/2021
REVISED:	
SCALE:	1" = 100'
CHK'D. BY:	M.B.A.
JOB NO.:	2019-0091

**WATER LINE EASEMENT  
0.057 ACRES  
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) 424-2074 Fax: (469) 424-1997  
 www.northtexasurveying.com  
 Firm Registration No. 10074200



Bearings 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).

DATE:	05/11/2021	<b>WATER LINE EASEMENT</b> <b>0.057 ACRES</b> <b>SAMUEL McFARLAND SURVEY</b> <b>ABSTRACT NO. 558</b> <b>CITY OF MCKINNEY,</b> <b>COLLIN COUNTY, TEXAS</b>	 <b>North Texas Surveying, L.L.C.</b> Registered Professional Land Surveyors 1010 West University Drive McKinney, Tx. 75089 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexassurveying.com Firm Registration No. 10074200
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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 Samuel McFarland Survey, Abstract No. 558, in the City of McKinney, Collin County, Texas, and being all of Lot 1, Block A, of ALLEN'S WHOLESALE MEATS, an addition to the City of McKinney, as recorded in Volume P, Page 255, of the Map Records, Collin County, Texas (M.R.C.C.T.), said tract being more particularly described as follows:

**COMMENCING** at a 5/8" iron rod found for the northeasterly corner of said Lot 1, same being in the northwesterly monumented line of State Highway No. 5;

**THENCE** along said northwesterly monumented line of State Highway No. 5, the following two (2) courses and distances:

South 18°32'14" West, a distance of 368.02' to a 1/2" iron rod found for an angle point;

South 24°33'14" West, a distance of 73.04' to a point for corner;

**THENCE** North 65°26'46" West, over and across said Lot 1, a distance of 15.00' to the **POINT OF BEGINNING** of the herein described tract;

**THENCE** over and across said Lot 1, the following courses and distances:

South 24°33'14" West, a distance of 15.00' to a point for corner;

North 65°26'46" West, a distance of 15.00' to a point for corner;

South 24°33'14" West, a distance of 58.60' to a point for corner;

North 65°20'41" West, a distance of 10.00' to a point for corner;

South 24°33'14" West, a distance of 53.58' to a point for corner;

South 65°26'46" East, a distance of 10.00' to a point for corner;

South 24°33'14" West, a distance of 16.44' to a point for corner;

South 65°26'46" East, a distance of 15.00' to a point for corner;

South 24°33'14" West, a distance of 15.00' to a point for corner;

North 65°26'46" West, a distance of 30.00' to a point for corner;

North 24°33'14" East, a distance of 16.44' to a point for corner;

North 65°26'46" West, a distance of 10.00' to a point for corner;

North 24°33'14" East, a distance of 83.61' to a point for corner;

South 65°20'41" East, a distance of 10.00' to a point for corner;

North 24°33'14" East, a distance of 58.57' to a point for corner;

South 65°26'46" East, a distance of 30.00' to the **POINT OF BEGINNING** and containing 3,129 square feet or 0.072 acres of land, more or less.

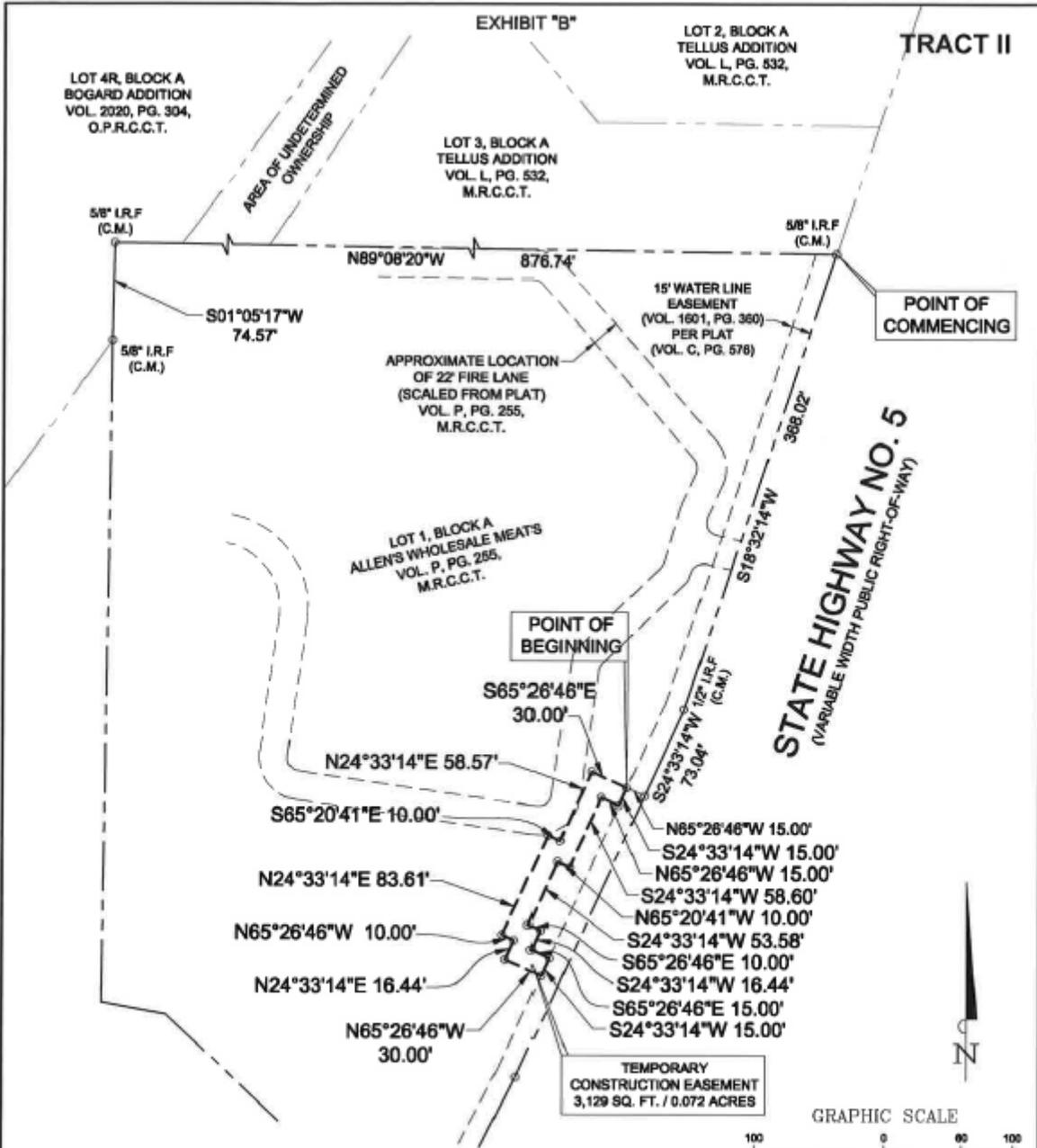
*M.B.A.*



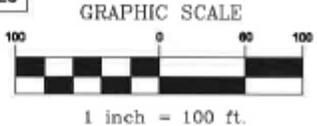
**ABBREVIATIONS**

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(C.M.) = Controlling Monument	D.R.C.C.T. = Deed Records, Collin County, Texas
C.I.R.F. = Capped Iron Rod Found	O.P.R.C.C.T. = Official Public Records, Collin County, Texas

DATE: 05/11/2021	<b>TEMPORARY                  CONSTRUCTION EASEMENT                  0.072 ACRES                  SAMUEL McFARLAND SURVEY                  ABSTRACT NO. 558                  CITY OF MCKINNEY,                  COLLIN COUNTY, TEXAS</b>	 <b>North Texas Surveying, L.L.C.</b> 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
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