



19-0449

**TITLE:** Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Certain Property for Public Use by Eminent Domain for Right-of-Way (in Fee Simple), Slope Easements and Drainage Easements for the Construction, Access and Maintenance Associated with a Roadway Infrastructure Project Along Country Lane from its Intersection with FM 546 to the Existing Concrete Pavement for Country Lane and Authorizing the City Manager to Establish Procedures for Acquiring the Right-of-Way (in Fee Simple) and Easements on Said Properties, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions

**COUNCIL GOAL:** Direction for Strategic and Economic Growth

**MEETING DATE:** May 21, 2019

**DEPARTMENT:** Development Services / Engineering

**CONTACT:** Gary Graham, PE, Director of Engineering

**RECOMMENDED CITY COUNCIL ACTION:**

- Approval of Resolution using a motion in a form substantially similar to the following:

*"I move that the City of McKinney, Texas, City Council approve this item as written and adopt the Resolution described in this agenda item and authorize the use of the power of eminent domain to acquire for public use all necessary right-of-way (in fee simple), slope easements and drainage easements from the owners of the properties depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including the construction, access and maintenance of infrastructure improvements along Country Lane from its intersection with FM 546 to the existing concrete pavement for Country Lane associated with the Roadway Infrastructure Project."*

- A roll call vote is required for this item.

#### **ITEM SUMMARY:**

- This Resolution provides authority to the City Manager to execute documents for the acquisition of property rights and the use of Eminent Domain to condemn property to construct paving and drainage improvements on Country Lane from its intersection with FM 546 to the existing concrete pavement for Country Lane.

#### **BACKGROUND INFORMATION:**

- Upon completion of the ongoing TxDOT FM 546 construction project, a connection is proposed from the Country Lane and FM 546 intersection to the existing concrete pavement on Country Lane.
- The project will construct two northbound through lanes, two southbound through lanes, and southbound right and left turn lanes at FM 546.
- Construction is anticipated to commence this summer and anticipated completion is winter 2020.
- The Project requires the acquisition of Right-of-Way, Slope Easements and Drainage Easements from two property owners prior to construction. The two property owners are Simpson Manufacturing Company, Inc. and MO & Associate LLC.
- The property owners have been informed of the project details and necessity for the acquisition of a portion of their property.
- Appraisals were commissioned and sent to the property owners along with both an initial and a final offer for the proposed acquisitions.
- The City and Simpson Manufacturing Company have not been able to agree on an equitable settlement for the acquisition of the necessary property rights with the property owner's representative. Although staff will continue efforts to negotiate an amicable settlement, the need to file an action in Eminent Domain is necessary to keep the project on schedule.
- MO & Associates (MO) has been non-responsive to the City's offers to purchase.
- The acquisition of the following property is necessary for the Roadway Infrastructure Project:

Property Owner	Description	Area	Resolution Exhibit
Simpson Manufacturing Company Inc.	Fee Simple ROW	0.714 AC	A
	Slope Easement	0.056 AC	

	Drainage Easement	0.113 AC	
MO & Associate, LLC	Fee Simple ROW	0.129 AC	B
	Slope Easement (2 tracts)	0.009 AC 0.015 AC	
	Drainage Easement	0.052 AC	

**FINANCIAL SUMMARY:**

- Funds for the right-of-way and easement acquisitions are available in the Capital Improvements Program in ST4372.

**BOARD OR COMMISSION RECOMMENDATION:**

- N/A

**SUPPORTING MATERIALS:**

[Location Map](#)  
[Resolution](#)