



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

<b>File #:</b>	22-0767	<b>Name:</b>	Eminent Domain - Project WW1638 Talukder
<b>Type:</b>	Resolution	<b>Status:</b>	Approved
		<b>In control:</b>	City Council Regular Meeting
<b>On agenda:</b>	8/16/2022	<b>Final action:</b>	8/16/2022
<b>Title:</b>	Consider/Discuss/Act on Adoption of a Resolution 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) which Property is Located Near the Northwest Corner of State Highway 5 and FM 543 and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions		

### Indexes:

**Attachments:** 1. Resolution, 2. Location Map

Date	Ver.	Action By	Action	Result
8/16/2022	1	City Council Regular Meeting	Approved	Pass

Consider/Discuss/Act on Adoption of a Resolution 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) which Property is Located Near the Northwest Corner of State Highway 5 and FM 543 and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions

**COUNCIL GOAL:** Operational Excellence  
(2B: Balance available resources to accommodate the growth and maintenance needs of the city)

**MEETING DATE:** August 16, 2022

**DEPARTMENT:** Development Services / Engineering

**CONTACT:** Gary Graham, PE, PTOE, Director of Engineering  
Todd Wright, Real Estate Acquisitions Administrator

### 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 property interests from Jamal Talukder and Nazneen Talukder, identified as owner of record by the Collin County Appraisal District, and any other persons or entities claiming an interest to the property 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 near the northwest corner of State Highway 5 and FM 543 associated with the Honey Creek Sanitary Sewer Trunk Main Project (WW1638)."*

- 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 interests to construct a Sanitary Sewer line for the Honey Creek Sanitary Sewer Trunk Main Project (Project).

#### BACKGROUND INFORMATION:

- Per the Wastewater Master Plan, a new 54-inch sanitary sewer trunk main generally along Honey Creek (from SH 5 to northwest of US 75) is needed to convey projected wastewater flows in the City's Honey Creek Sewer Basin.
- Construction of the master planned wastewater main will support upcoming and future development in the northwest quadrant of the Honey Creek District.
- The Project requires the acquisition of Sanitary Sewer and Temporary Construction Easements from the property owner prior to construction.
- The property owner has been informed of the project details and necessity for the acquisition of a portion of their property.
- All property rights need to be acquired prior to commencing construction of the project which is scheduled to begin this winter.
- Staff have made several attempts to work with the property owner to no avail.
- The easements are necessary to construct the new 54-inch sanitary sewer trunk main.
- An appraisal was commissioned and sent to the property owner along with a final offer letter for the proposed acquisition.
- The property owner has not responded to the City's final offer letter.
- The City needs to acquire all easements prior to commencing construction which is scheduled to begin this winter.
- Although the City will continue efforts to an acquire the easements amicably, the need to file an action in Eminent Domain will be necessary to keep the project on schedule.
- The property owner is identified below and the property in the attached Resolution as Exhibit A, Tract I and Tract II. The acquisition of the easements is necessary for the Honey Creek Sanitary Sewer Trunk Main Project (WW1638).

Property Owner	Description	Area/Acres	Resolution Exhibit
Jamal Talukder and Nazneen Talukder	Sanitary Sewer, Access and Temporary Construction Easements	2.05 acres	Exhibit A, Tract I and Tract II

**FINANCIAL SUMMARY:**

- Funds for the property acquisition are available in project WW1638.

**BOARD OR COMMISSION RECOMMENDATION:** N/A