



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 18-227, **Version:** 1

Consider/Discuss/Act Upon Adoption of a Resolution Determining a Public Necessity to Acquire Certain Properties for Public Use by Eminent Domain for Drainage Easements and Temporary Construction Easements for the Construction, Access and Maintenance of the Trinity Falls Parkway and Trinity Falls Parkway Link Projects and Related Infrastructure Commencing in the Vicinity of its Intersection with Laud Howell Parkway Continuing Northward Along Trinity Falls Parkway for Approximately 2,000 Feet; Authorizing the City Manager to Establish Procedures for Acquiring the 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 Growth

MEETING DATE: March 6, 2018

DEPARTMENT: Development Services / Engineering

CONTACT: Gary Graham, PE, PTOE, 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 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 the Trinity Falls Parkway and Trinity Falls Parkway Link Projects and related Infrastructure commencing in the vicinity of its intersection with Laud Howell Parkway and continuing northward for approximately 2,000 feet."

- 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 easements; and the use of Eminent Domain to condemn property rights to construct a portion of Trinity Falls Parkway and the Trinity Falls Parkway Link ("Project"), commencing in the vicinity of the intersection of Trinity Falls Parkway Link and Laud Howell Parkway and continuing northward for approximately 2,000 feet.

BACKGROUND INFORMATION:

- The City needs to acquire drainage and temporary construction easements for the Project from two property owners, namely, Central & Fannin Wilson 155 LLLP and R L Trust.
- Appraisals were completed and offer letters sent to both property owners.
- Negotiations with the owner of the RL Trust property, through their representative, have been unsuccessful. The owner is requesting a land value far greater than the city's appraised value.
- The remaining property owner, Central & Fannin Wilson 155 LLLP, has not responded to the City's offer letter for the purchase of the necessary land rights.
- In light of the very high counteroffer from RL Trust and the lack of response from Central & Fannin Wilson 155 LLLP, the City anticipates resistance in acquiring the necessary property rights.
- The City requests authorization to use its power of eminent domain to acquire the necessary property rights associated with the Project from the two property owners identified below and in the attached Resolution as Exhibit B-1 and Exhibit B-2.

#	Property Owner	Description	Area/Acres	Exhibit
1	Central & Fannin Wilson 155 LLLP	Drainage Easement	0.690	B1
		Temporary Construction Easement (TCE)	0.499	•
3	RL Trust	Drainage Easement	0.592	B2
		Temporary Construction Easement (TCE)	0.387	•

- The City will continue to attempt to amicably acquire the necessary property rights from the landowners voluntarily through negotiations prior to and after filing an action in Eminent Domain.

FINANCIAL SUMMARY:

- Funds are available in ST4422 for the land acquisitions required by the City for the Trinity Falls Parkway Link project.
- The owner of Trinity Falls has placed funds into FA1748 to cover their portion of the land acquisitions associated with the Trinity Falls Parkway project.

BOARD OR COMMISSION RECOMMENDATION:

- N/A