



# CITY OF MCKINNEY, TEXAS

## Legislation Text

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**File #:** 20-0458, **Version:** 1

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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, Drainage Easements and Water Easements for the Construction, Access and Maintenance Associated with a Roadway Infrastructure Project Along Ridge Road from its Intersection with US 380 to Wilmeth Road 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:** June 2, 2020

**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 right-of-way (in fee simple), slope easements, drainage easements and water 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 Ridge Road from its intersection with US 380 north to Wilmeth Road 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, drainage, water and associated infrastructure improvements for the extension of Ridge Road from its intersection with US 380 to its intersection with Wilmeth Road.

## BACKGROUND INFORMATION:

- This project will provide an extension of Ridge Road from US 380 to its future intersection with Wilmeth Road.
- The project will construct two northbound through lanes, two southbound through lanes, turn lanes at the intersection with US 380, as well as, a multi-lane roundabout at its intersection with Wilmeth Road.
- Construction of this roadway will provide an additional arterial route north of US 380 to serve the developments of Auburn Hills, Wilmeth Ridge, and Robinson Ridge.
- The Project includes approximately 5,700 linear feet of concrete pavement, including 610 linear feet of 6-lane bridge over Wilson Creek, traffic signal improvements at US 380, drainage improvements, utility adjustments and roadway illumination.
- Construction is anticipated to commence this fall and anticipated project completion is early 2022.
- The Project requires the acquisition of Right-of-Way, Slope Easements, Drainage Easements and Water Easements from nine property owners prior to construction.
- 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 an initial offer for the proposed acquisitions.
- The City has acquired property from one of the nine property owners and entered into amicable discussions with another property owner.
- In light of the counteroffers and responses received from the property owners, the City anticipates resistance in acquiring the necessary property rights.
- Although the City will continue efforts to negotiate an amicable settlement, the need to file an action in Eminent Domain will be necessary to keep the project on schedule.
- There are eight remaining property owners, identified below and in the attached Resolution as Exhibits B-1 through B-9, that are necessary for the Roadway Infrastructure Project:

Property Owner	Description	Area/Acres	Resolution Exhibit
Crow-Billingsley McKinney 380, Ltd (Parcels 1 & 2)	ROW Slope Easement Water Easement	0.1657 0.3689 0.3275	B1 - B2
YCK Collin Properties 346 LLC, Felix Chen, Yu Chen Kuo (Parcel 3)	ROW Slope Easement Drainage Easement Water Easement	7.6045 2.0097 0.2019 0.2193	B3
Jen Texas 14, LLC (Parcel 4)	Slope Easement Water Easement	0.1063 0.0213	B4

W/J Wilmeth Ridge, LP (Parcel 5)	ROW Slope Easement Drainage Easement Water Easement	5.6564 0.3286 0.1099 0.1027	B5
Baseball Nation, LLC (Parcel 6)	ROW	0.9856	B6
Kenneth & Marsha Knuth (Parcel 7)	ROW Slope Easement	1.2070 0.2862	B7
James & Linda Stidham (Parcel 9)	ROW Slope Easement	0.0503 0.0344	B8
SAI Wilmeth Properties, LLC (Parcel 10)	ROW	1.5160	B9

- SB 18 allows a single resolution to be adopted if: (a) the motion indicates that the first record vote applies to all units of property to be condemned; and (b) the minutes of the City reflect that the first vote applies to all of those units. If two or more members of the City Council object to adopting a single resolution for all of the units of property, then a separate vote must be made for each unit.

**FINANCIAL SUMMARY:**

- With the approval of this item, approximately \$18,400,000.00 will remain in project ST1617.

**BOARD OR COMMISSION RECOMMENDATION:**

- N/A