

RESOLUTION NO. 2024-02-____ (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 A SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ASSOCIATED WITH THE SH 5 UTILITY RELOCATION PROJECT (WA1633 & WW1633); 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 SH 5 Utility Relocation Project (WA1633 & WW1633), with the location of these necessary easements 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 a Sanitary Sewer Easement and a Temporary Construction Easement, as described and depicted in Exhibit A, Tract I and Exhibit A, Tract II, 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 SH 5 Utility Relocation Project (WA1633 & WW1633).
- 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 SH 5 Utility Relocation Project (WA1633 & WW1633), and to acquire the necessary Property in that certain tract or parcel 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 those certain lots, tracts or parcels of land described and depicted in Exhibit A, Tract I and Exhibit A, 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, authorize and pay appraisal and litigation expenses incurred through a condemnation process, 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 6th DAY OF FEBRUARY, 2024.

CITY OF MCKINNEY, TEXAS:

GEORGE C. FULLER
Mayor

ATTEST:

APPROVED AS TO FORM:

EMPRESS DRANE
City Secretary
TENITRUS BETHEL
Deputy City Secretary

MARK S. HOUSER
City Attorney

EXHIBIT "A"
15' SANITARY SEWER EASEMENT - P02A
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

EXHIBIT A, TRACT I

Being a tract of land, situated in the William Hemphill Survey, Abstract No. 449, in the City of McKinney, Collin County, Texas, and being a part of Lot 5, Block A, of **MCKINNEY MEDICAL CENTER** an addition to the City of McKinney, as recorded in Volume 2015, Page 764, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said tract being more particularly described as follows:

BEGINNING at a point for corner, being the most northerly corner of said Lot 5, same being in the northwesterly line of tract of land, described in deed to McKinney Propco Owner, LLC, as recorded under Document No. 20210910001843140, O.P.R.C.C.T., said corner also being in the southeasterly monumented line of Spur No. 399;

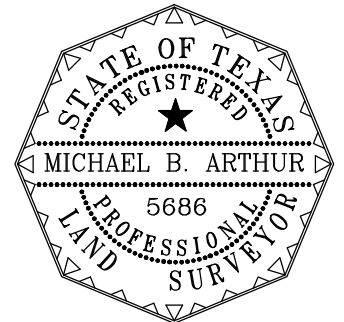
THENCE South 35°33'12" East, along the northeasterly line of said Lot 5, a distance of 15.00' to a point for corner;

THENCE South 54°26'53" West, over and across said Lot 5, a distance of 201.28' to a point for corner in a corner clip, at the intersection of the southeasterly monumented line of Spur No. 399 and the northeasterly monumented line of Medical Center Drive;

THENCE North 09°24'27" East, along said corner clip, a distance of 21.20' to a point for corner, being the northeasterly corner of said corner clip and also being in the aforementioned southeasterly monumented line of Spur No. 399;

THENCE North 54°26'53" East, along the southeasterly monumented line of Spur No. 399, a distance of 186.30' to the **POINT OF BEGINNING** and containing 2,907 square feet or 0.067 acres of land, more or less.

M.B.A.



ABBREVIATIONS

I.R.F. = Iron Rod Found
(R.M.) = Reference 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

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). All coordinates shown are surface and may be converted to grid by dividing by a combined scale adjustment factor of 1.000152710. The metes and bounds description shown herein is accompanied by a survey plat of even date.

REVISED: 01/10/2023

DATE: 04/18/2022	15' SANITARY SEWER EASEMENT - P02A WILLIAM HEMPHILL SURVEY ABSTRACT NO. 449 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.northtexassurveying.com Firm Registration No. 10074200
SHEET NO.: 1 OF 2		
SCALE: 1" = 60'		
CHK'D. BY: M.B.A.		
JOB NO.: 2020-0010		

EXHIBIT A, TRACT I

SPUR NO. 399
(VARIABLE WIDTH
PUBLIC RIGHT-OF-WAY)

15' SANITARY
SEWER EASEMENT
2,907 SQ. FT. / 0.067 ACRES

POINT OF
BEGINNING

S35°33'12"E
15.00'

McKINNEY PROPCO
OWNER, LLC
DOCUMENT NO.
20210910001843140,
O.P.R.C.C.T.

N09°24'27"E
21.20'

15' WATER EASEMENT
(VOL. 2015, PG. 764)

N54°26'53"E
186.30'

S54°26'53"W
201.28'

15' FIRE LANE AND MUTUAL
ACCESS EASEMENT
DOCUMENT NO.
20151112001429190,
O.P.R.C.C.T.

S35°33'12"E
275.17'

LOT 5, BLOCK A
McKINNEY MEDICAL
CENTER
VOL. 2015, PG. 764,
O.P.R.C.C.T.

25' DRAINAGE EASEMENT
DOCUMENT NO.
20151112001429180,
O.P.R.C.C.T.

MEDICAL
CENTER
DRIVE
(VARIABLE WIDTH
PUBLIC RIGHT-OF-WAY)

10' x 10'
WATER EASEMENT
(VOL. 2015, PG. 764)

24' FIRE LANE AND MUTUAL
ACCESS EASEMENT
(VOL. 2015, PG. 764)

S78°26'46"W
49.42'

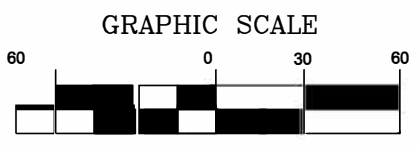
DRAINAGE AND
DETENTION EASEMENT
VOL. 5691, PG. 4276,
D.R.C.C.T.

LOT 1RA, BLOCK A
VILLAGES OF
McKINNEY ADDITION
VOL. Q, PG. 666,
M.R.C.C.T.

Radius=700.00'
Arc Length=6.28'
Delta=00°30'51"
Chrd. Brng.=S16°22'09"E
Chord=6.28'

Radius=700.00'
Arc Length=220.47'
Delta=18°02'45"
Chrd. Brng.=S07°05'21"E
Chord=219.56'

"X" CUT
FND. (R.M.)



REVISED: 01/10/2023

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DATE:	04/18/2022
SHEET NO.:	2 OF 2
SCALE:	1" = 60'
CHK'D. BY:	M.B.A.
JOB NO.:	2020-0010

15' SANITARY
SEWER EASEMENT - P02A
WILLIAM HEMPHILL SURVEY
ABSTRACT NO. 449
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.northtexassurveying.com
Firm Registration No. 10074200

EXHIBIT "A"
15' TEMPORARY
CONSTRUCTION EASEMENT - T02A
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

EXHIBIT A, TRACT II

Being a tract of land, situated in the William Hemphill Survey, Abstract No. 449, in the City of McKinney, Collin County, Texas, and being a part of Lot 5, Block A, of **MCKINNEY MEDICAL CENTER** an addition to the City of McKinney, as recorded in Volume 2015, Page 764, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said tract being more particularly described as follows:

BEGINNING at a point for corner, being in the northeasterly line of said Lot 5, from which the most northerly corner of said Lot 5 bears, North 35°33'12" West, a distance of 15.00';

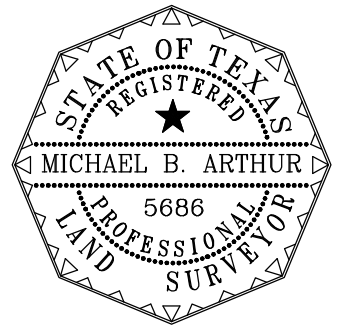
THENCE South 35°33'12" East, along the northeasterly line of said Lot 5, a distance of 15.00' to a point for corner;

THENCE South 54°26'53" West, over and across said Lot 5, a distance of 206.95' to a point for corner, being in the northeasterly monumented line of Medical Center Drive, same being in the southwesterly line of said Lot 5;

THENCE along the northeasterly monumented line of Medical Center Drive, the following (2) two courses and distances:

1. North 35°35'56" West, a distance of 9.31' to a point for corner;
2. North 09°24'27" East, a distance of 8.05' to a point for corner;

THENCE North 54°26'53" East, over and across said Lot 5, a distance of 201.28' to the **POINT OF BEGINNING** and containing 3,088 square feet or 0.071 acres of land, more or less.



ABBREVIATIONS

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REVISED: 01/10/2023

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CHK'D. BY:	M.B.A.		
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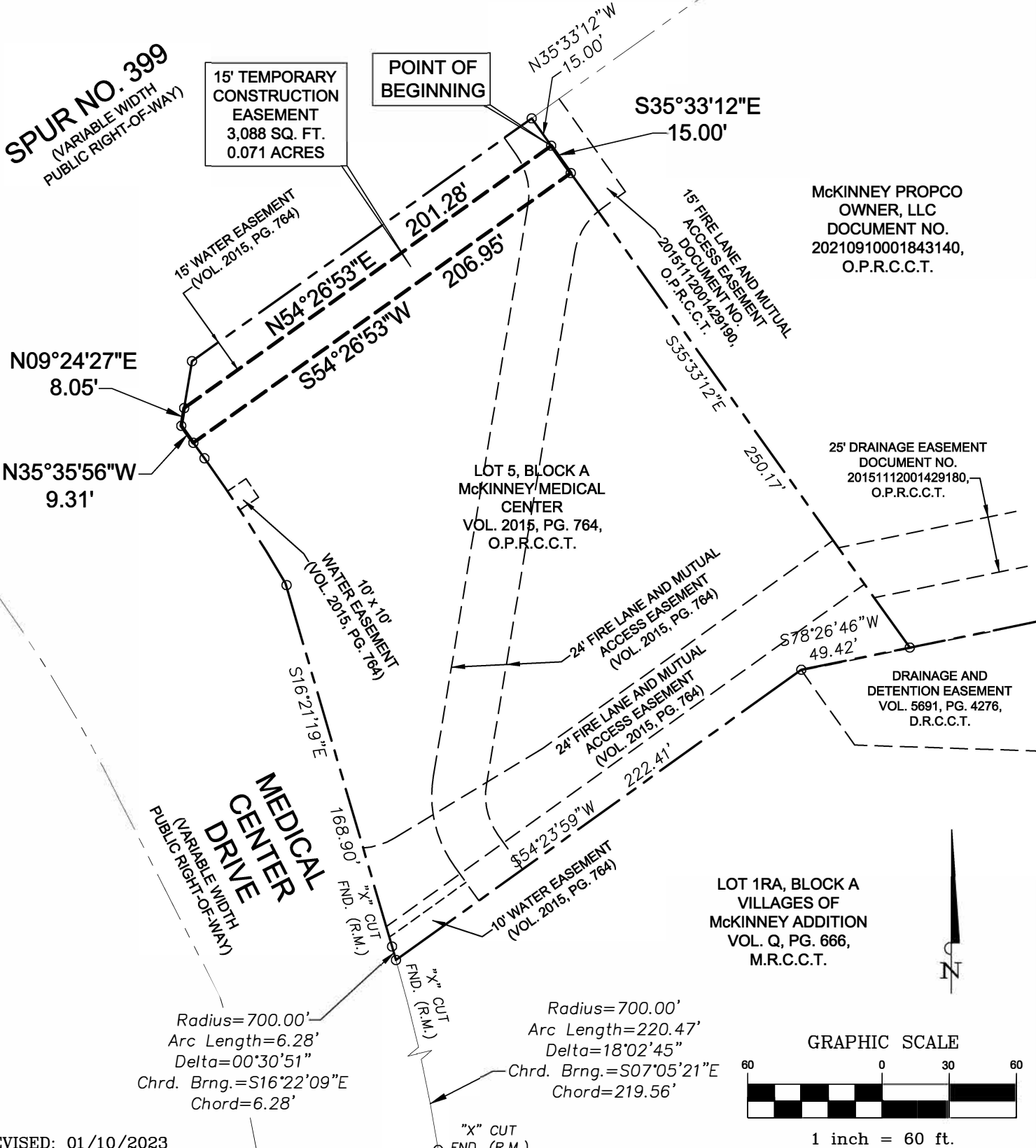
EXHIBIT A, TRACT II

SPUR NO. 399
(VARIABLE WIDTH
PUBLIC RIGHT-OF-WAY)

**15' TEMPORARY
CONSTRUCTION
EASEMENT**
3,088 SQ. FT.
0.071 ACRES

**POINT OF
BEGINNING**

**McKINNEY PROPCO
OWNER, LLC**
DOCUMENT NO.
20210910001843140,
O.P.R.C.C.T.



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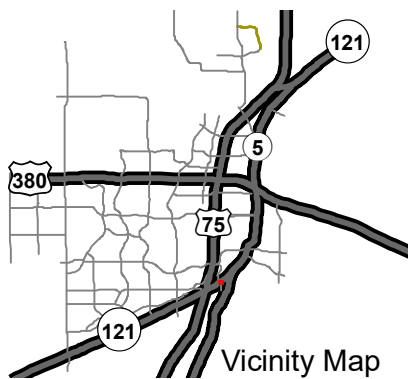
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EASEMENT - T02A**
WILLIAM HEMPHILL SURVEY
ABSTRACT NO. 449
CITY OF MCKINNEY,
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Document Path: %GIS\GISWork\KHing\ra\MapProjects\LocationMap\7-Eleven\Dev_Services_Notification_Map_7-Eleven.mxd



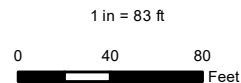
Vicinity Map

Location Map

Exhibit "B"

7-Eleven, Inc.

Sanitary Sewer Easement and Temporary Construction Easement



DISCLAIMER: This map an information contained in it wet developed exclusively for us by the City of McKinney. An use or reliance on this map b anyone else is at that party's ris and without liability to the City / McKinney, its officials or employe for any discrepancies, error: or variances which may exis



Source: City of McKinney GIS
Date: 1/19/2024