

RESOLUTION NO. 2010-09-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS NECESSARY TO CONSTRUCT THE ALMA ROAD-REC ELEVATED STORAGE TANK, SOUTH OF SILVERADO TRAIL AND EAST OF ALMA ROAD; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER OF THE CITY OF MCKINNEY, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AND AUTHORIZING THE CITY MANAGER TO 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 Alma Road-REC Elevated Storage Tank, south of Silverado Trail and east of Alma Road; and

WHEREAS, the City Council has considered this project and has determined that a public necessity exists for this project and the need for the acquisition of certain property rights for this project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

- 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 hereby finds and determines that a public purpose and necessity exists for the City of McKinney for the construction of the Alma Road-REC Elevated Storage Tank and to acquire the necessary property rights in those certain tracts or parcels 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, the location of which lots, tracts or parcels are generally shown on the map attached hereto as Exhibit A, with the anticipated utility and access easements being no more than 50 feet in width, and any associated temporary construction easements being no more than an additional 50 feet outside of the utility easement.
- Section 3. That the City Manager is authorized and directed to negotiate for and to acquire the required property rights for the City of McKinney, and to acquire said rights in compliance with State and Federal law. That the City Manager is specifically authorized and directed to do each and every act necessary to acquire the needed property rights including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to designate a qualified appraiser of the property to be acquired when such appraisal is necessary and, where necessary, to institute proceedings in eminent domain.
- Section 4. That the City Manager, or any individual he may so designate, is appointed as negotiator for the acquisition of this 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 this 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 property, proceedings in eminent domain to acquire the above-stated interest in the property.

Section 5. This Resolution shall take effect immediately from and after the date of passage and is so resolved.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 7th DAY OF SEPTEMBER, 2010.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney