

RESOLUTION NO. 2024-02-____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY FOR PUBLIC USE BY EMINENT DOMAIN FOR RIGHT-OF-WAY (IN FEE SIMPLE) ASSOCIATED WITH THE VIRGINIA AND THROCKMORTON STREETS INFRASTRUCTURE IMPROVEMENTS PROJECT (CO2235); AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING SAID RIGHT-OF-WAY (IN FEE SIMPLE), 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 replacement of water mains, wastewater mains, underground storm drainage, street pavement, and sidewalk improvements in association with the Virginia and Throckmorton Streets Infrastructure Improvements Project (CO2235), with the location of these necessary improvements 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 Right-of-Way (in fee simple), as described and depicted in Exhibit A, 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 Virginia and Throckmorton Streets Infrastructure Improvements Project (CO2235).
- 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 Virginia and Throckmorton Streets Infrastructure Improvements Project (CO2235), 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.

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 20th 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"
RIGHT-OF-WAY DEDICATION
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

Being a 437 square foot tract of land, situated in the William Davis Survey, Abstract No. 248, in the City of McKinney, Collin County, Texas, said tract being a part of Block 12, of **REPLAT OF BLOCK 13 RAILROAD ADDITION**, an addition to the City of McKinney, as recorded in Volume 11, Page 27, of the Map Records, Collin County, Texas (M.R.C.C.T.) same being a part of that tract of land, described in deed to Southwestern Bell Telephone Company, as recorded in Volume 3172, Page 931, of the Deed Records, Collin County, Texas (D.R.C.C.T.), said tract being more particularly described, as follows:

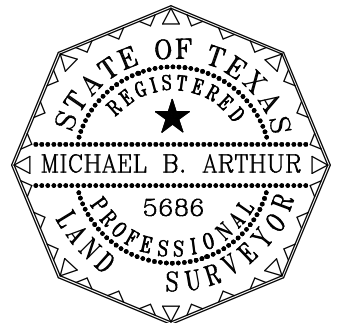
BEGINNING at a point for corner, being the southwesterly corner of said Block 13, same being at the intersection of the northerly monumented line of Virginia Street and the easterly monumented line of Throckmorton Street, from which a 1/2" iron rod found bears, South 88°58'12" West, a distance of 0.61';

THENCE North 00°58'57" East, along the easterly monumented line of Throckmorton Street, a distance of 35.00' to a 5/8" iron rod with a yellow plastic cap stamped "NTS" set for corner;

THENCE South 35°10'25" East, over and across said Block 13, a distance of 42.35' to a 5/8" iron rod with a yellow plastic cap stamped "NTS" set for corner in the northerly monumented line of Virginia Street;

THENCE South 89°08'17" West, along the northerly monumented line of Virginia Street, a distance of 25.00' to the **POINT OF BEGINNING** and containing 437 square feet or 0.010 acres of land, more or less.


M.B.A.

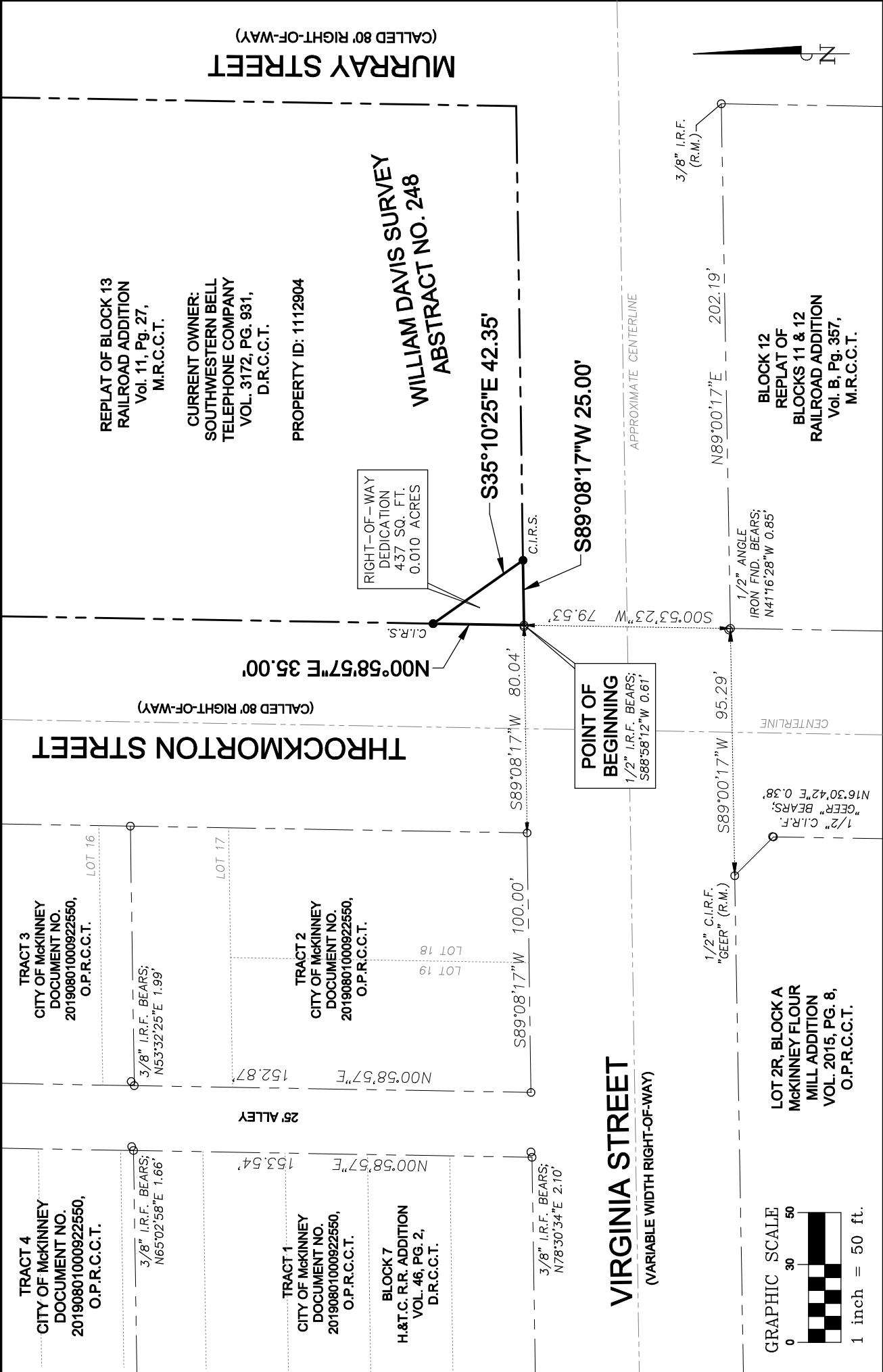


ABBREVIATIONS

I.R.F. = Iron Rod Found
(R.M.) = Reference Monument
C.I.R.F. = Capped Iron Rod Found
C.I.R.S. = 5/8" iron rod with yellow plastic cap stamped "NTS" set
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

This metes and bounds description is accompanied by a survey plat of even date.

DATE: 07/03/2023	RIGHT-OF-WAY DEDICATION 0.010 ACRES WILLIAM DAVIS SURVEY ABSTRACT NO. 831 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
REVISED:		
SCALE: 1" = 50'		
CHK'D. BY: M.B.A.		
JOB NO.: 2020-0139		



DATE:	07/03/2023
REVISED:	
SCALE:	1" = 50'
CHK'D. BY:	M.B.A.
JOB NO.:	2020-0139

This survey plat is accompanied by a metes and bounds description of even date. Bearings are based on the Texas State Plane Coordinate System, North Central Zone (4202), NAD83 (2011). Surface values shown can be converted to grid by dividing by a combined scale adjustment factor of 0.999847312.

RIGHT-OF-WAY DEDICATION
0.010 ACRES
WILLIAM DAVIS SURVEY
ABSTRACT NO. 831
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

North Texas Surveying, L.L.C.
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Firm Registration No. 10074200



Right of Way Fee Acquisition

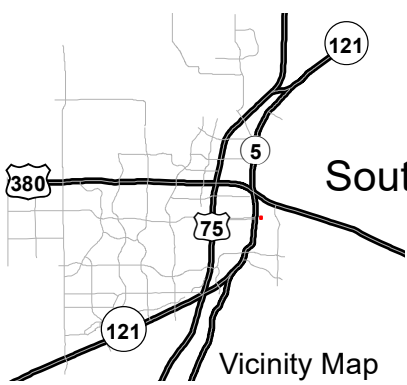
N THROCKMORTON ST

N MURRAY ST

E VIRGINIA ST

Location Map

Exhibit "B" Southwestern Bell Telephone Company Right of Way Fee Acquisition



Vicinity Map



1 in = 58 ft
0 25 50 Feet

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors or variances which may exist



Source: City of McKinney GIS
Date: 2/2/2024