

RESOLUTION NO. 2025-10-____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY RIGHTS FOR PUBLIC USE BY EMINENT DOMAIN FOR A WATER LINE EASEMENT ASSOCIATED WITH THE SH 5 UTILITY RELOCATION PROJECT, PHASE 2 (WA2266); AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING SAID EASEMENT, 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, Phase 2 (WA2266), with the location of this necessary easement 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 Water Line Easement, 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 SH 5 Utility Relocation Project, Phase 2 (WA2266).
- 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, Phase 2 (WA2266), and to acquire the necessary Property 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 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 6th DAY OF OCTOBER, 2025.

CITY OF MCKINNEY, TEXAS:

BILL COX, Mayor
GERÉ FELTUS, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

EMPRESS DRANE
City Secretary
TENITRUS BETHEL PARCHMAN
Deputy City Secretary

MARK S. HOUSER
City Attorney
ALAN LATHROM
Assistant City Attorney

EXHIBIT "A"
15' WATER EASEMENT - PARCEL W02
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

Being a tract of land, situated in the William Davis Survey, Abstract No. 248, in the City of McKinney, Collin County, Texas, and being a part of the remainder of that called 5.01 acre tract, described in deed to Ledbetter IOS, LLC and LGW Holdings, LLC, as recorded under Document No. 2024000011633, 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 southeasterly corner of the remainder of said 5.013 acre tract, same being the southwesterly corner of that tract of land, described in deed to the State of Texas, as recorded under Document No. 2022000136512, O.P.R.C.C.T., same being in the westerly monumented line of N. McDonald Street (State Highway No. 5), said corner also being in the northerly line of that tract of land, described in deed to Texas Power and Light Company, as recorded in Volume 297, Page 365, of the Deed Records, Collin County, Texas (D.R.C.C.T.), from which a 1/2" iron rod found bears, South 16°51'06" West, a distance of 848.89';

THENCE South 89°50'26" West, along the common line between said 5.013 acre tract and said Texas Power and Light Company tract, a distance of 15.00' to a point for corner;

THENCE North 00°23'24" East, over and across said 5.013 acre tract, a distance of 339.53' to a point for corner, being in the northerly line of said 5.013 acre tract, same being in the southerly line of Lot 1, Block A, of **McSWAIN ADDITION**, an addition to the City of McKinney, as recorded in Volume 2006, Page 276, O.P.R.C.C.T., from which a 1/2" iron rod found bears, South 89°22'40" West, a distance of 148.68';

THENCE North 89°22'40" East, along the common line between said 5.013 acre tract and said Lot 1, a distance of 15.00' to a point for corner, being the northeasterly corner of the remainder of said 5.013 acre tract, same being the northwesterly corner of the aforementioned State of Texas tract, from which a 5/8" iron rod with a plastic cap stamped "TxDOT" found bears, North 17°22'26" West, a distance of 0.62', and from said point for corner, a 1/2" iron rod found for the southeasterly corner of said Lot 1 bears, North 89°22'40" East, a distance of 29.23';

THENCE South 00°23'24" West, along the westerly monumented line of N. McDonald Street, a distance of 339.65' to the **POINT OF BEGINNING** and containing 5,093 square feet or 0.117 acres of land, more or less.


ABBREVIATIONS

I.R.F. = Iron Rod Found
I.P.F. = Iron Pipe 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

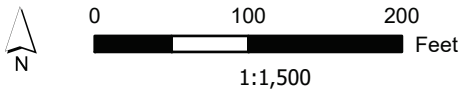
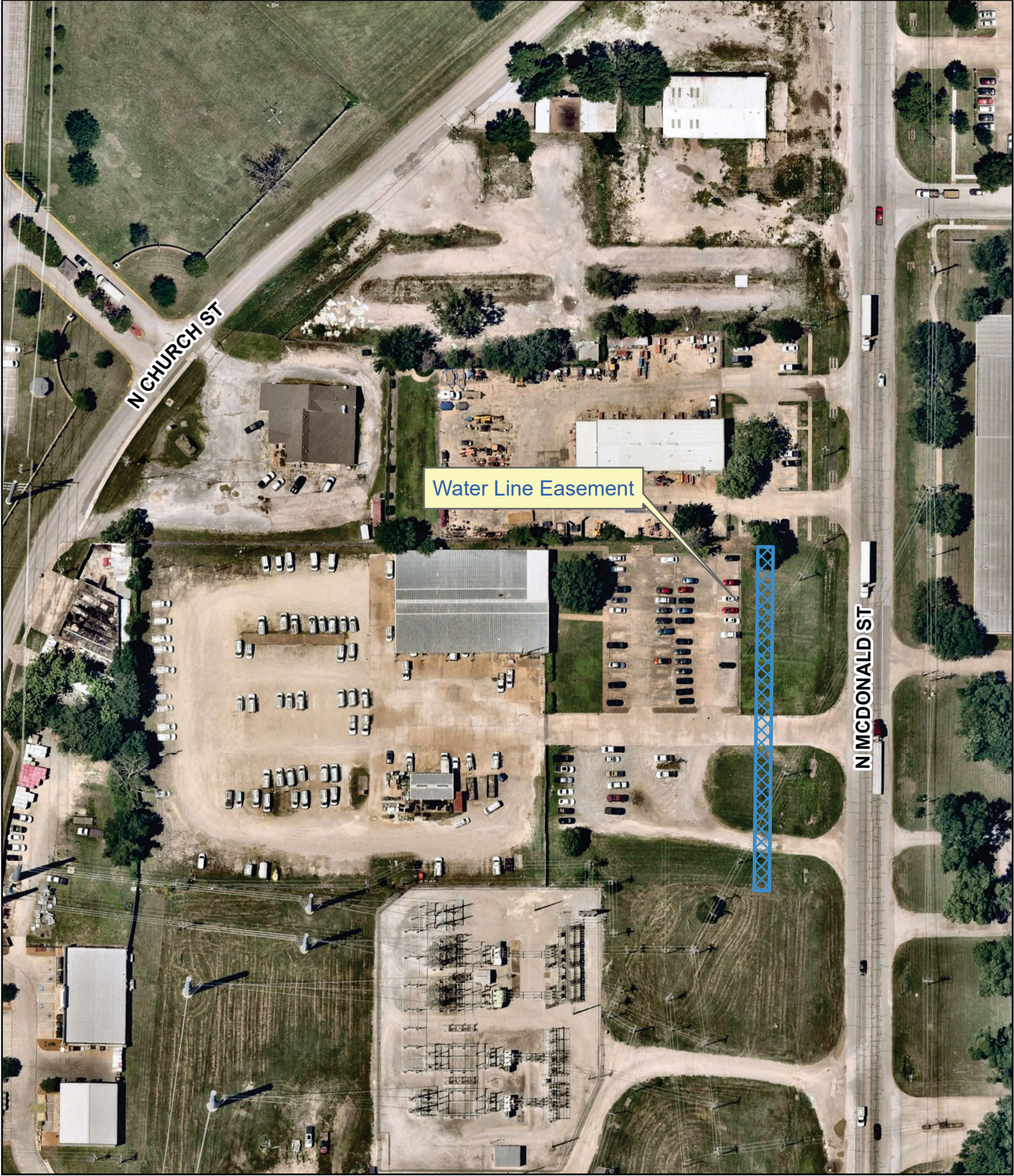


General Notes:

- Bearings are based on the State Plane Coordinate System, North Central Zone (4202), NAD83 (2011). Surface values shown can be converted to grid by dividing by the combined scale factor of 0.999847312, as base point 0,0.
- This Metes and Bounds Description is accompanied by a Survey Plat of even date.

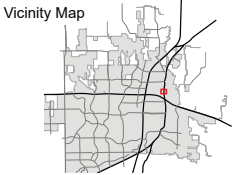
DATE:	04/24/2024	15' WATER EASEMENT PARCEL W02 WILLIAM DAVIS SURVEY, ABSTRACT NO. 248 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS	 North Texas Surveying, L.L.C. Registered Professional Land Surveyors 1010 West University Drive McKinney, Tx. 75069 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexassurveying.com Firm Registration No. 10074200
SHEET NO.:	1 OF 2		
SCALE:	1" = 50'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2023-0035		

Document Path: Y:_Engineering\EngGIS\Projects\04_Location\Map\Map_LedbetterWaterEsmt.aprx



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.

Location Map
Exhibit "B"
Ledbetter IOS, LLC and
LGW Holdings, LLC
Water Line Easement



Source: Engineering GIS
Date: 9/22/2025