

**RESOLUTION NO. 2023-10-\_\_\_\_\_ (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 WATER LINE 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 Water Line Easement and a Temporary Construction Easement, as described and depicted in Exhibit A, Tract I, Exhibit A, Tract II, Exhibit A, Tract III, and Exhibit A, Tract IV, 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 that certain lot, tract or parcel of land described and depicted in Exhibit A, Tract I, Exhibit A, Tract II, Exhibit A, Tract III, and Exhibit A, Tract IV.

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 17th DAY OF OCTOBER, 2023.**

CITY OF MCKINNEY, TEXAS:

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary  
TENITRUS BETHEL  
Deputy City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney

**EXHIBIT "A"  
15' WATER EASEMENT - P05  
CITY OF MCKINNEY,  
COLLIN COUNTY, TEXAS**

**EXHIBIT "A", TRACT I**

Being a tract of land, situated in the Joab Butler Survey, Abstract No. 68, in the City of McKinney, Collin County, Texas, and being a part of Lot 4, Block A, of **CRESTSTONE ADDITION**, an addition to the City of McKinney, as recorded in Volume 2018, Page 419, 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 4, same being in the most northerly northwest line of Lot 2R of said addition, from which the most northerly corner of said Lot 4, bears North 49°17'31" West, a distance of 63.94';

**THENCE** South 49°17'31" East, along the common line between said Lot 4 and Lot 2R, a distance of 15.08' to a point for corner;

**THENCE** over and across said Lot 4, the following (5) five courses and distances:

1. South 46°35'08" West, a distance of 72.25' to a point for corner, at the beginning of a curve to the left, having a radius of 3717.21', a central angle of 05°34'39", and a chord which bears, South 44°03'12" West, a chord distance of 361.71';
2. Thence along said curve to the left, in a southwesterly, an arc length of 361.85' to a point for corner in the southeasterly line of a 15' Water Easement (Vol. 2018, Pg. 419), and being in a curve to the right, having a radius of 7440.58', a central angle of 00°49'40", and a chord which bears North 34°03'44" East, a chord distance of 107.49';
3. Thence in a northeasterly direction, along said curve to the right, same being along said 15' Water Easement, an arc length of 107.49' to a point for corner, being at the beginning of a curve to the right, having a radius of 3732.21', a central angle of 03°56'24", and a chord which bears, North 44°52'19" East, a chord distance of 256.61';
4. Thence in a northeasterly direction, along said curve to the right, an arc length of 256.66' to a point for corner;
5. North 46°35'08" East, a distance of 70.63' to the **POINT OF BEGINNING** and containing 5,684 square feet or 0.130 acres of land, more or less.

*M.B.A.*




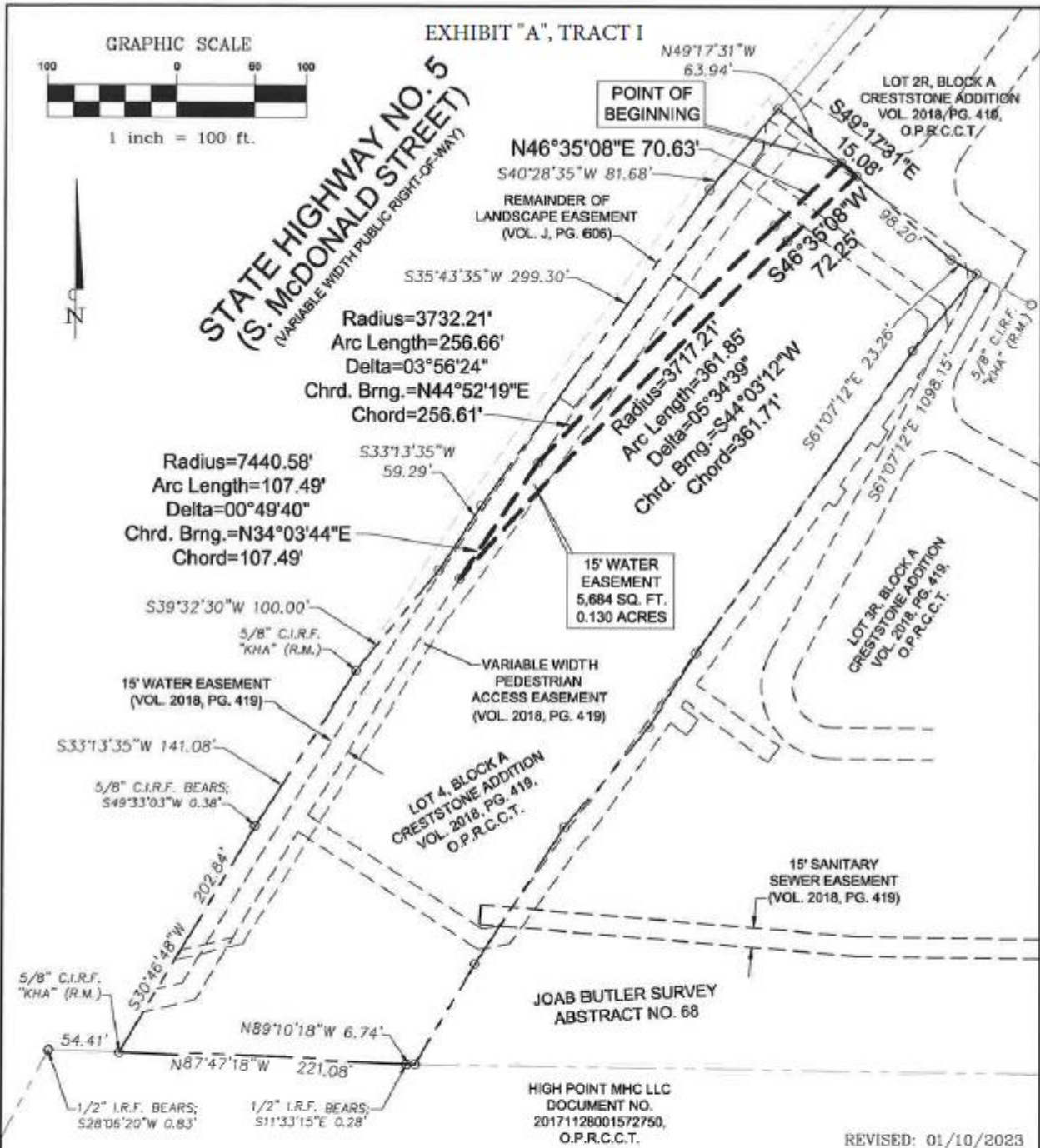
**ABBREVIATIONS**

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: 04/20/2022	<b>15' WATER EASEMENT - P05 JOAB BUTLER SURVEY ABSTRACT NO. 68 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS</b>	 <b>North Texas Surveying, L.L.C.</b> 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" = 100'		
CHK'D. BY: M.B.A.		
JOB NO.: 2020-0010		



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DATE:	04/20/2022
SHEET NO.:	2 OF 2
SCALE:	1" = 100'
CHK'D. BY:	M.B.A.
JOB NO.:	2020-0010

**15' WATER EASEMENT - P05**  
**JOAB BUTLER SURVEY**  
**ABSTRACT NO. 68**  
**CITY OF MCKINNEY,**  
**COLLIN COUNTY, TEXAS**

**North Texas Surveying, L.L.C.**  
Registered Professional Land Surveyors

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**EXHIBIT "A"  
15' WATER EASEMENT - P90  
CITY OF MCKINNEY,  
COLLIN COUNTY, TEXAS**

**EXHIBIT "A", TRACT II**

Being a tract of land, situated in the Joab Butler Survey, Abstract No. 68, in the City of McKinney, Collin County, Texas, and being a part of Lot 4, Block A, of **CRESTSTONE ADDITION**, an addition to the City of McKinney, as recorded in Volume 2018, Page 419, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said tract being more particularly described as follows:

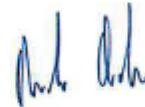
**COMMENCING** at a 5/8" iron rod with a plastic cap stamped "KHA" found for the southwesterly corner of said Lot 4, same being in the southeasterly monumented line of State Highway No. 5 (S. McDonald Street), said corner also being in the northerly line of a called 21.552 acre tract of land, described in deed to CH Realty IX-FS MHC High Point, L.P., as recorded under Document No. 20211007002054060, O.P.R.C.C.T.;

**THENCE** South 87°47'18" East, along the common line between said Lot 4 and said 21.552 acre tract, a distance of 28.01' to the **POINT OF BEGINNING** of the herein described tract;

**THENCE** over and across said Lot 4, the following (5) five courses and distances:

1. North 00°21'08" East, a distance of 9.76' to a point for corner;
2. North 03°58'08" East, a distance of 24.80' to a point for corner in the southeasterly line of a 15' Water Easement (Vol. 2018, Pg. 419);
3. North 75°47'19" East, along said 15' Water Easement, a distance of 15.79' to a point for corner;
4. South 03°58'08" West, a distance of 29.26' to a point for corner;
5. South 00°21'08" West, a distance of 9.77' to a point for corner in the aforementioned common line between said Lot 4 and said 21.552 acre tract;


**THENCE** North 87°47'18" West, along the common line between said Lot 4 and said 21.552 acre tract, a distance of 15.01' to the **POINT OF BEGINNING** and containing 552 square feet or 0.013 acres of land, more or less.

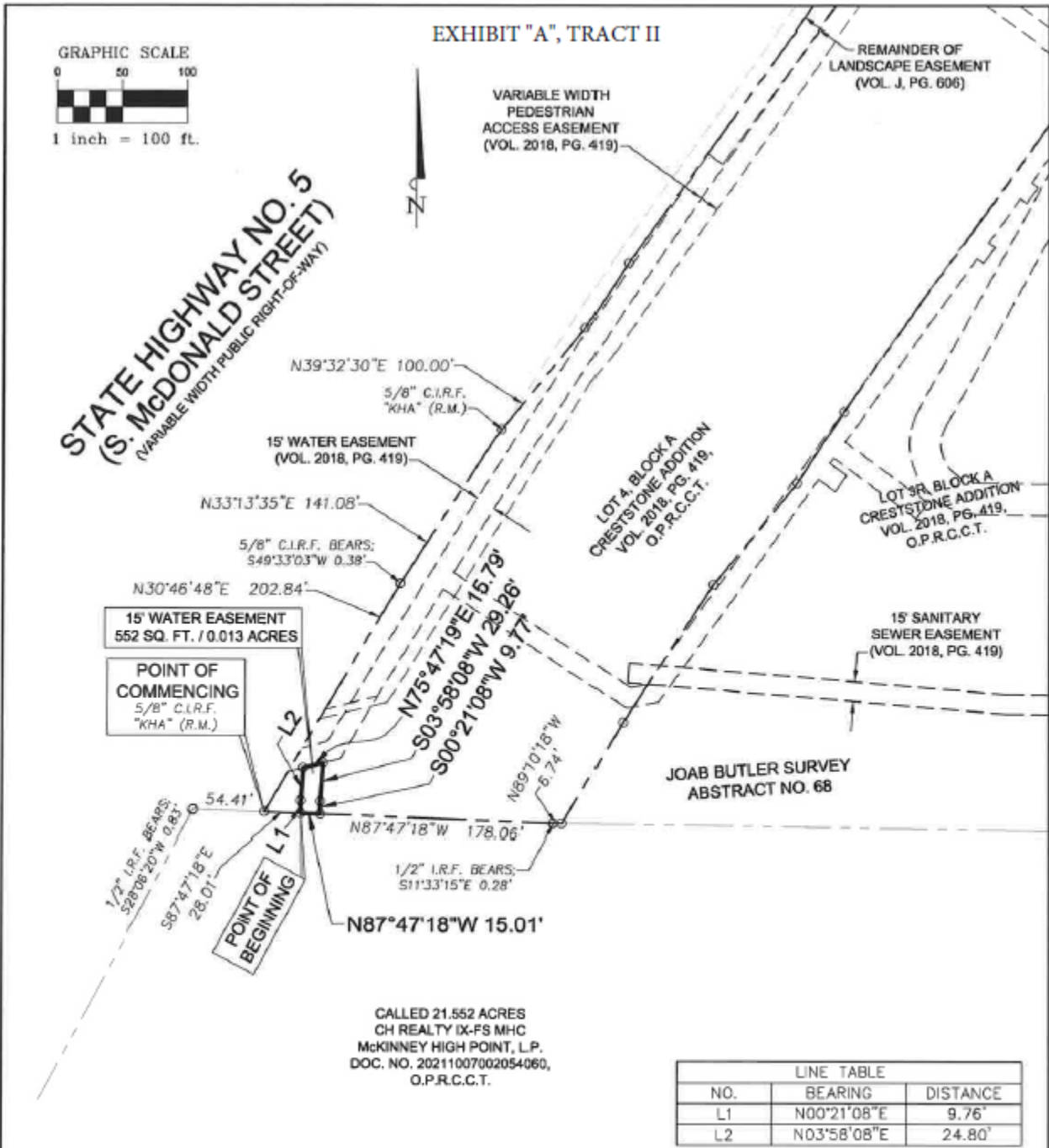



**ABBREVIATIONS**

IR.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 plot of even date.

DATE: 01/11/2023	<b>15' WATER EASEMENT - P90 JOAB BUTLER SURVEY ABSTRACT NO. 68 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS</b>	 <b>North Texas Surveying, L.L.C.</b> Registered Professional Land Surveyors 1010 West University Drive McKinney, Tx. 75069 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexasurveying.com Firm Registration No. 10074200
SHEET NO.: 1 OF 2		
SCALE: 1" = 100'		
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DATE:	01/11/2023
SHEET NO.:	2 OF 2
SCALE:	1" = 100'
CHK'D. BY:	M.B.A.
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**15' WATER EASEMENT - P90  
JOAB BUTLER SURVEY  
ABSTRACT NO. 68  
CITY OF MCKINNEY,  
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**EXHIBIT "A"**  
**15' TEMPORARY CONSTRUCTION**  
**EASEMENT - T04**  
**CITY OF MCKINNEY,**  
**COLLIN COUNTY, TEXAS**

**EXHIBIT "A", TRACT III**

Being a tract of land, situated in the Joab Butler Survey, Abstract No. 68, in the City of McKinney, Collin County, Texas, and being a part of Lot 4, Block A, of **CRESTSTONE ADDITION**, an addition to the City of McKinney, as recorded in Volume 2018, Page 419, 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 4, same being in the most northerly northwest line of Lot 2R of said addition, from which the most northerly corner of said Lot 4, bears North 49°17'31" West, a distance of 79.02';

**THENCE** South 49°17'31" East, along the common line between said Lot 4 and Lot 2R, a distance of 15.08' to a point for corner;

**THENCE** over and across said Lot 4, the following (5) five courses and distances:

1. South 46°35'08" West, a distance of 73.80' to a point for corner, at the beginning of a curve to the left, having a radius of 3702.21', a central angle of 07°27'41", and a chord which bears, South 43°06'44" West, a chord distance of 481.79';
2. Thence along said curve to the left, in a southwesterly, an arc length of 482.13' to a point for corner in the southeasterly line of a 15' Water Easement (Vol. 2018, Pg. 419), and being in a curve to the right, having a radius of 7440.58', a central angle of 00°55'22", and a chord which bears North 33°06'35" East, a chord distance of 119.83';
3. Thence in a northeasterly direction, along said curve to the right, same being along said 15' Water Easement, an arc length of 119.83' to a point for corner, being at the beginning of a curve to the right, having a radius of 3717.21', a central angle of 05°37'27", and a chord which bears, North 44°01'48" East, a chord distance of 364.73';
4. Thence in a northeasterly direction, along said curve to the right, an arc length of 364.88' to a point for corner;
5. North 46°35'08" East, a distance of 72.25' to the **POINT OF BEGINNING** and containing 7,410 square feet or 0.170 acres of land, more or less.

**ABBREVIATIONS**

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(R.M.) = Reference Monument
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*Michael B. Arthur*

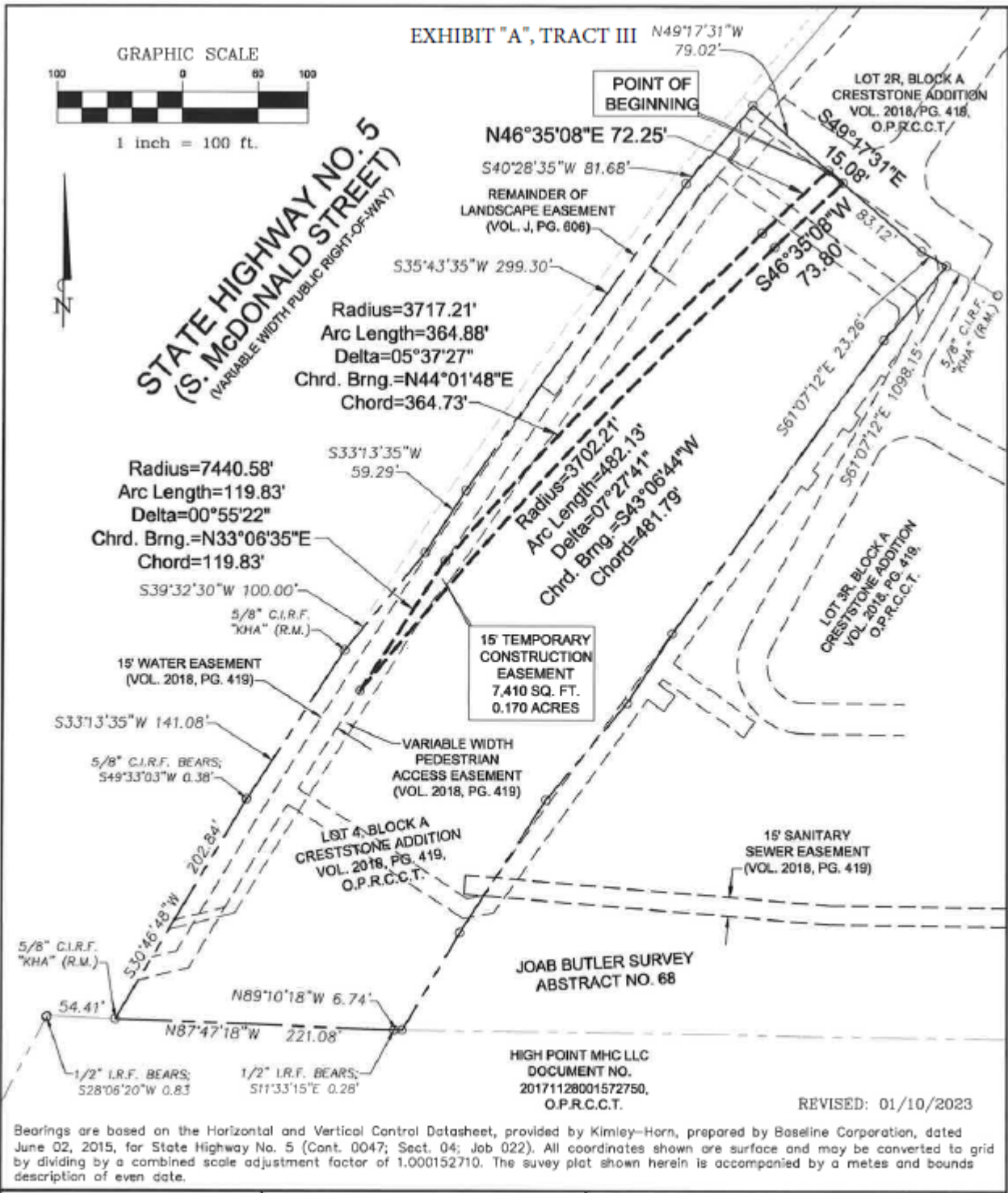


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REVISED: 01/10/2023

DATE:	04/20/2022	<b>15' TEMPORARY CONSTRUCTION EASEMENT - T04 JOAB BUTLER SURVEY ABSTRACT NO. 68 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS</b>	 <b>North Texas Surveying, L.L.C.</b> Registered Professional Land Surveyors 1010 West University Drive McKinney, Tx. 75089 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexassurveying.com Firm Registration No. 10074200
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CHK'D BY:	M.B.A.		
JOB NO.:	2020-0010		





DATE:	04/20/2022
SHEET NO.:	2 OF 2
SCALE	1" = 100'
CHK'D. BY:	M.B.A.
JOB NO:	2020-0010

**15' TEMPORARY CONSTRUCTION EASEMENT - T04**  
**JOAB BUTLER SURVEY**  
**ABSTRACT NO. 68**  
**CITY OF MCKINNEY,**  
**COLLIN COUNTY, TEXAS**

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**EXHIBIT "A"**  
**15' TEMPORARY CONSTRUCTION**  
**EASEMENT - T97**  
**CITY OF MCKINNEY,**  
**COLLIN COUNTY, TEXAS**

**EXHIBIT "A", TRACT IV**

Being a tract of land, situated in the Joab Butler Survey, Abstract No. 68, in the City of McKinney, Collin County, Texas, and being a part of Lot 4, Block A, of **CRESTSTONE ADDITION**, an addition to the City of McKinney, as recorded in Volume 2018, Page 419, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said tract being more particularly described as follows:

**COMMENCING** at a 5/8" iron rod with a plastic cap stamped "KHA" found for the southwesterly corner of said Lot 4, same being in the southeasterly monumented line of State Highway No. 5 (S. McDonald Street), said corner also being in the northerly line of a called 21.552 acre tract of land, described in deed to CH Realty IX-FS MHC McKinney High Point, L.P., as recorded under Document No. 20211007002054060, O.P.R.C.C.T.;

**THENCE** South 87°47'18" East, along the common line between said Lot 4 and said 21.552 acre tract, a distance of 43.02' to the **POINT OF BEGINNING** of the herein described tract;

**THENCE** over and across said Lot 4, the following (6) six courses and distances:

1. North 00°21'08" East, a distance of 9.77' to a point for corner;
2. North 03°58'08" East, a distance of 29.26' to a point for corner in the southeasterly line of a 15' Water Easement (Vol. 2018, Pg. 419);
3. North 75°47'19" East, along said 15' Water Easement, a distance of 13.40' to a point for corner;
4. North 31°00'12" East, continuing along said 15' Water Easement, a distance of 4.99' to a point for corner;
5. South 03°58'08" West, a distance of 37.41' to a point for corner;
6. South 00°21'08" West, a distance of 9.79' to a point for corner in the aforementioned common line between said Lot 4 and said 21.552 acre tract;


**THENCE** North 87°47'18" West, along the common line between said Lot 4 and said 21.552 acre tract, a distance of 15.01' to the **POINT OF BEGINNING** and containing 623 square feet or 0.014 acres of land, more or less.




**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
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DATE:	01/11/2023	<b>15' TEMPORARY CONSTRUCTION</b> <b>EASEMENT - T97</b> <b>JOAB BUTLER SURVEY</b> <b>ABSTRACT NO. 68</b> <b>CITY OF MCKINNEY,</b> <b>COLLIN COUNTY, TEXAS</b>	 <b>North Texas Surveying, L.L.C.</b> 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
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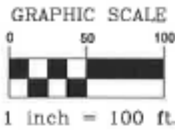


EXHIBIT "A", TRACT IV

STATE HIGHWAY NO. 5  
(S. McDONALD STREET)  
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

VARIABLE WIDTH  
PEDESTRIAN  
ACCESS EASEMENT  
(VOL. 2018, PG. 419)

REMAINDER OF  
LANDSCAPE EASEMENT  
(VOL. J, PG. 608)

N39°32'30"E 100.00'  
5/8" C.I.R.F.  
"KHA" (R.M.)  
15' WATER EASEMENT  
(VOL. 2018, PG. 419)

N33°13'35"E 141.08'  
5/8" C.I.R.F. BEARS;  
S49°33'03"W 0.38'

N30°46'48"E 202.84'

15' TEMPORARY  
CONSTRUCTION EASEMENT  
623 SQ. FT. / 0.014 ACRES

POINT OF  
COMMENCING  
5/8" C.I.R.F.  
"KHA" (R.M.)

1/2" I.R.F. BEARS;  
S28°08'20"W 0.28'  
S87°47'18"E  
43.02'

POINT OF  
BEGINNING

N75°47'19"E 13.40'  
N31°00'12"E 4.99'  
S03°58'08"W 87.41'  
S00°21'08"W 9.79'

LOT 4, BLOCK A  
CRESTSTONE ADDITION  
VOL. 2018, PG. 419,  
O.P.R.C.C.T.

LOT 3A, BLOCK A  
CRESTSTONE ADDITION  
VOL. 2018, PG. 419,  
O.P.R.C.C.T.

15' SANITARY  
SEWER EASEMENT  
(VOL. 2018, PG. 419)

JOAB BUTLER SURVEY  
ABSTRACT NO. 68

N87°47'18"W 163.05'  
1/2" I.R.F. BEARS;  
S11°33'15"E 0.28'

N87°47'18"W 15.01'

CH REALTY IX-FS MHC  
McKINNEY HIGH POINT, L.P.  
DOCUMENT NO.  
20211007002054060,  
O.P.R.C.C.T.

LINE TABLE		
NO.	BEARING	DISTANCE
L1	N00°21'08"E	9.77'
L2	N03°58'08"E	29.26'

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15' TEMPORARY CONSTRUCTION  
EASEMENT - T97  
JOAB BUTLER SURVEY  
ABSTRACT NO. 68  
CITY OF MCKINNEY,  
COLLIN COUNTY, TEXAS



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**Location Map**  
**Exhibit "B"**  
**Issam Al Shmaisani**  
**Water Line Easements and**  
**Temporary Construction Easements**



1 in = 117 ft  
 0 50 100 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 omissions which may exist.



Source: City of McKinney GIS  
 Date: 9/29/2023

Document Path: Y:\GIS\GIS\Map\Projects\Local\Map\Draw\_Services\_Notification\_Map.mxd