

RESOLUTION NO. 2024-07-_____ (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 INDEPENDENCE PARKWAY 24 INCH WATER LINE PROJECT (WA0210); 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 Independence Parkway 24 Inch Water Line Project (WA0210), 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 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 Independence Parkway 24 Inch Water Line Project (WA0210).
- 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 Independence Parkway 24 Inch Water Line Project (WA0210), 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 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 16th DAY OF JULY, 2024.

CITY OF MCKINNEY, TEXAS:

GEORGE C. FULLER, Mayor
GERÉ FELTUS, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

EMPRESS DRANE
City Secretary
TENITRUS BETHEL
Deputy City Secretary

MARK S. HOUSER
City Attorney

**WATER LINE EASEMENT
CHARLES CARTER SURVEY,
ABSTRACT NUMBER 220
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS**

EXHIBIT "A", TRACT I

BEING a 0.4443 acre tract of land located in the Charles Carter Survey, Abstract Number 220, City of McKinney, Collin County, Texas, said 0.4443 acre tract being a portion of a called 8 acre tract of land conveyed to **CAROL STORY (TRUSTEE) STORY FAMILY TRUST**, by deed thereof filed for record in Instrument Number 20150702000816610, Official Public Records, Collin County, Texas, said 0.4443 acre tract being more particularly described by the metes and bounds as follows:

BEGINNING at a point on the south property line of the said 8 acre tract, same being the north lot line of Lot 2, Block A, Malone Estates, being an Addition to the City of McKinney, Collin County, Texas, according to the plat thereof filed for record in Instrument Number 2019-330, Plat Records, Collin County, Texas, said beginning point being North 89°33'51" West, 324.19 feet from a 5/8 inch iron rod found at the southeast property corner of the said 8 acre tract, said beginning point also having a NAD83 Texas North Central Zone (4202) grid coordinate of N: 7,129,719.46 and E: 2,503,609.14;

THENCE North 89°33'51" West, along the said property line and along the said lot line, 20.00 feet to the intersection of the said property line with the east easement line of an existing 20 feet wide Permanent Waterline Easement conveyed to the North Texas Municipal Water District, by deed thereof filed for record in Volume 5808, Page 5475, Deed Records, Collin County, Texas, from said point, the southwest property corner of the said 8 acre tract bears North 89°33'51" West, 20.00 feet;

THENCE North 00°45'10" West, along the said existing easement line, 881.74 feet;

THENCE North 89°26'22" East, over and across the said 8 acre tract, at a distance of 90.74 feet passing a southwest easement corner of an existing Permanent Variable Width Water Line Easement conveyed to the City of McKinney, by deed thereof filed for record in Instrument Number 20181004001244960, Official Public Records, Collin County, Texas, continuing along a south easement line of the said easement (Ins. No. 20181004001244960), in all a total distance of 105.74 feet to a southeast easement corner of the said easement (Ins. No. 20181004001244960);

THENCE over and across the said 8 acre tract the following courses and distances:

South 00°33'38" East, 20.00 feet;

South 89°26'22" West, 85.67 feet;

South 00°45'10" East, 862.09 feet to the **POINT OF BEGINNING**.

The herein above described tract of land contains a computed area of **0.4443 acres (19,352 square feet)** of land, more or less.

The bearings and coordinates recited hereinabove are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, adjustment realization 2011. Area and distances recited hereinabove are surface.

I Eric S. Spooner, a Registered Professional Land Surveyor in the State of Texas, do hereby state that the foregoing description accurately sets out the metes and bounds description of the easement tract described herein.

Eric S. Spooner, RPLS
Spooner & Associates, Inc.
Texas Registration No. 5922
TBPLS Firm No. 10054900



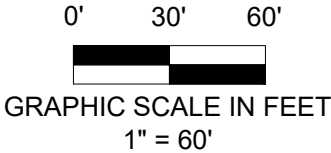
MATCH LINE
SEE PAGE 3 OF 3

SEE ATTACHED METES & BOUNDS
DESCRIPTION ON PAGE 1 HEREIN

EXHIBIT "A", TRACT I

CIRF= CAPPED IRON ROD FOUND
INS. NO.= INSTRUMENT NUMBER
B.S.I.= BY SEPARATE INSTRUMENT
P.R.C.C.T.= PLAT RECORDS,
COLLIN COUNTY, TEXAS
O.P.R.C.C.T.= OFFICIAL PUBLIC RECORDS,
COLLIN COUNTY, TEXAS

WATER LINE EASEMENT
0.4443 ACRES (19,352 S.F.)



CALLED: 8 ACRES
CAROL STORY (TRUSTEE)
STORY FAMILY TRUST
INS. NO. 20150702000816610,
O.P.R.C.C.T.

LINE TABLE		
NO.	DIRECTION	DIST.
L1	N89°33'51"W	20.00'

TEMPORARY
CONSTRUCTION
EASEMENT
(B.S.I.)

CHARLES CARTER SURVEY
ABSTRACT NO. 220

E1
EX. 20' PERMANENT WATERLINE
EASEMENT TO NORTH TEXAS
MUNICIPAL WATER DISTRICT
VOL. 5808, PG. 5475,
D.R.C.C.T.

PROPERTY LINE
CALLED: 12.414 ACRES "TRACT 61"
JIM B. PHIPPS, INS. NO. 97-0093080,
O.P.R.C.C.T.

N89°33'51"W ~ 324.19'

LOT LINE 5/8" IRF

POINT OF
BEGINNING
N: 7,129,719.46
E: 2,503,609.14
(NAD83 ~ GRID)

LOT 2, BLOCK A
MALONE ESTATES
INS. NO. 2019-330,
P.R.C.C.T.

NOTE: BEARINGS AND COORDINATES ARE REFERENCED TO
THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS
NORTH CENTRAL ZONE 4202, ADJUSTMENT REALIZATION
2011. DISTANCES AND AREAS SHOWN ARE SURFACE.

WATER LINE EASEMENT
CHARLES CARTER SURVEY,
ABSTRACT NUMBER 220
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS



309 BYERS STREET, SUITE 100, EULESS, TEXAS 76039
(817) 685-8448 WWW.SPOONERSURVEYORS.COM
TBPLS FIRM NO. 10054900



PROPERTY: CALLED: 8 ACRES, CAROL STORY (TRUSTEE)
STORY FAMILY TRUST, INS. NO. 20150702000816610, O.P.R.C.C.T.
21100_PAR 4_WLE.DWG

S&A JOB NO.: 21100
DATE: 03/01/2024

DRAWN BY: R.F.O.
CHECKED BY: E.S.S.

PARCEL 4 ~ WLE ~ STORY ~ PAGE 2 OF 3

SEE ATTACHED METES & BOUNDS
DESCRIPTION ON PAGE 1 HEREIN

W. UNIVERSITY DRIVE
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

EX. PERMANENT VARIABLE
WIDTH WATER LINE EASEMENT
TO CITY OF MCKINNEY
INS. NO. 20181004001244960,
O.P.R.C.C.T.

R.O.W.

EXHIBIT "A", TRACT I

E2

1/2" CIRF
"GM GEER
3258"

LOT 1, BLOCK C
RED BUD ESTATES, PHASE II
CABINET C, SLIDE 517,
P.R.C.C.T.

LOT 2, BLOCK C
RED BUD ESTATES, PHASE II
CABINET C, SLIDE 517,
P.R.C.C.T.

LOT 3

BLOCK LINE

N00°45'10"W ~ 881.74'

S00°45'10"E ~ 862.09'

WATER LINE EASEMENT
0.4443 ACRES (19,352 S.F.)

TEMPORARY
CONSTRUCTION
EASEMENT
(B.S.I.)

0' 30' 60'

GRAPHIC SCALE IN FEET
1" = 60'

LINE TABLE

NO.	DIRECTION	DIST.
L2	N89°26'22"E	105.74'
L3	S00°33'38"E	20.00'
L4	S89°26'22"W	85.67'

PROPERTY
LINE

CALLLED: 8 ACRES
CAROL STORY (TRUSTEE)
STORY FAMILY TRUST
INS. NO. 20150702000816610,
O.P.R.C.C.T.

CHARLES CARTER
SURVEY
ABS. NO. 220

CALLLED: 12.414 ACRES "TRACT 61"
JIM B. PHIPPS, INS. NO. 97-0093080,
O.P.R.C.C.T.

CIRF= CAPPED IRON ROD FOUND
INS. NO.= INSTRUMENT NUMBER
B.S.I.= BY SEPARATE INSTRUMENT
P.R.C.C.T.= PLAT RECORDS,
COLLIN COUNTY, TEXAS
O.P.R.C.C.T.= OFFICIAL PUBLIC RECORDS,
COLLIN COUNTY, TEXAS

E1
EX. 20' PERMANENT WATERLINE
EASEMENT TO NORTH TEXAS
MUNICIPAL WATER DISTRICT
VOL. 5808, PG. 5475,
D.R.C.C.T.

E2
UTILITY EASEMENT CONVEYED
TO THE CITY OF MCKINNEY
INS. NO. 20120606000671180,
O.P.R.C.C.T.

NOTE: BEARINGS AND COORDINATES ARE REFERENCED TO
THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS
NORTH CENTRAL ZONE 4202, ADJUSTMENT REALIZATION
2011. DISTANCES AND AREAS SHOWN ARE SURFACE.

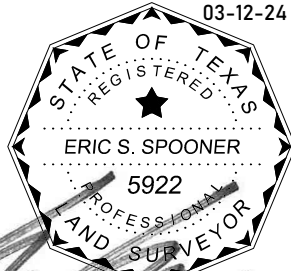
MATCH LINE
SEE PAGE 2 OF 3

WATER LINE EASEMENT
CHARLES CARTER SURVEY,
ABSTRACT NUMBER 220
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS



**SPOONER &
ASSOCIATES**
REGISTERED PROFESSIONAL LAND SURVEYORS
OVER 30 YEARS OF SERVICE

309 BYERS STREET, SUITE 100, EULESS, TEXAS 76039
(817) 685-8448 WWW.SPOONERSURVEYORS.COM
TBPLS FIRM NO. 10054900



PROPERTY: CALLLED: 8 ACRES, CAROL STORY (TRUSTEE)
STORY FAMILY TRUST, INS. NO. 20150702000816610, O.P.R.C.C.T.
21100_PAR 4_WLE.DWG

S&A JOB NO.: 21100
DATE: 03/01/2024

DRAWN BY: R.F.O.
CHECKED BY: E.S.S.

PARCEL 4 ~ WLE ~ STORY ~ PAGE 3 OF 3

**TEMPORARY CONSTRUCTION EASEMENT
CHARLES CARTER SURVEY,
ABSTRACT NUMBER 220
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS**

EXHIBIT "A", TRACT II

BEING a 0.5656 acre tract of land located in the Charles Carter Survey, Abstract Number 220, City of McKinney, Collin County, Texas, said 0.5656 acre tract being a portion of a called 8 acre tract of land conveyed to **CAROL STORY (TRUSTEE) STORY FAMILY TRUST**, by deed thereof filed for record in Instrument Number 20150702000816610, Official Public Records, Collin County, Texas, said 0.5656 acre tract being more particularly described by the metes and bounds as follows:

BEGINNING at a point on the south property line of the said 8 acre tract, same being the north lot line of Lot 2, Block A, Malone Estates, being an Addition to the City of McKinney, Collin County, Texas, according to the plat thereof filed for record Instrument Number 2019-330, Plat Records, Collin County, Texas, said beginning point being South 89°33'51" East, 40.00 feet from the southwest property corner of the said 8 acre tract, said beginning point also having a NAD83 Texas North Central Zone (4202) grid coordinate of N: 7,129,719.46 and E: 2,503,609.14;

THENCE over and across the said 8 acre tract the following courses and distances:

North 00°45'10" West, 862.09 feet;

North 89°26'22" East, 85.67 feet;

North 00°33'38" West, at a distance of 20.00 feet passing a southeast easement corner of an existing Permanent Variable Width Water Line Easement conveyed to the City of McKinney, by deed thereof filed for record in Instrument Number 20181004001244960, Official Public Records, Collin County, Texas, continuing along the east easement line of the said existing water line easement in all a total distance of 37.50 feet to a south line of the said existing easement;

THENCE North 89°26'22" East, along the said south easement line, 25.00 feet;

THENCE over and across the said 8 acre tract the following courses and distances:

South 00°33'38" East, 62.50 feet;

South 89°26'22" West, 85.59 feet;

South 00°45'10" East, 837.52 feet to a point on the said south property line of the 8 acre tract, same being the said north lot line of Lot 2, said point being North 89°33'51" West, 299.19 feet from a 5/8 inch iron rod found at the southeast property corner of the said 8 acre tract;

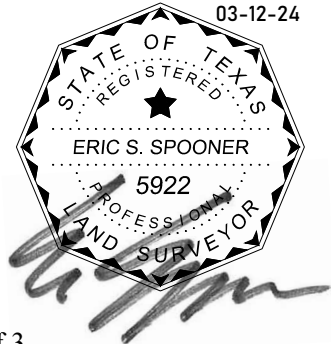
THENCE North 89°33'51" West, along the said property line and along the said lot line, 25.01 feet to the **POINT OF BEGINNING**.

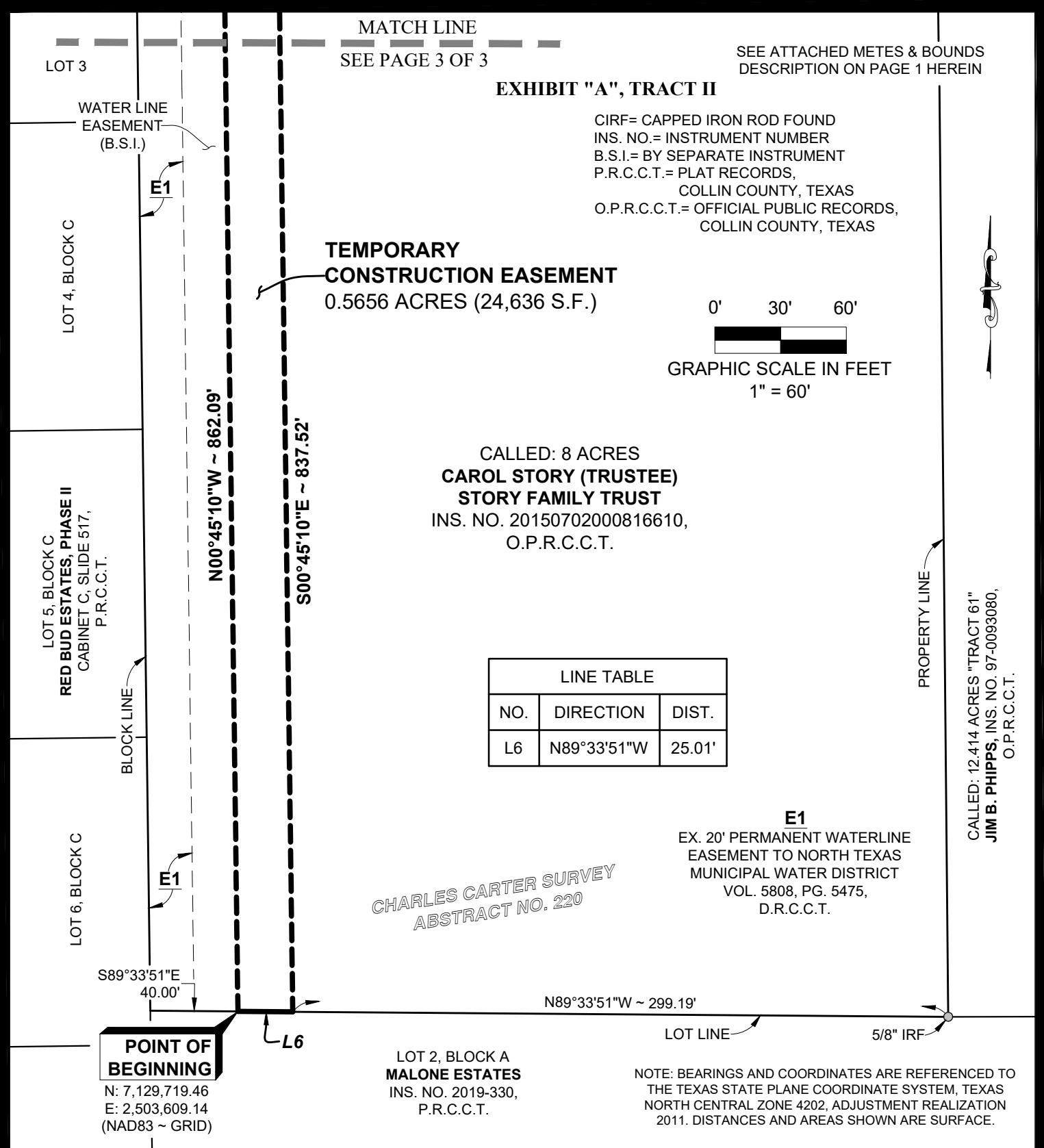
The herein above described tract of land contains a computed area of **0.5656 acres (24,636 square feet)** of land, more or less.

The bearings and coordinates recited hereinabove are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, adjustment realization 2011. Area and distances recited hereinabove are surface.

I Eric S. Spooner, a Registered Professional Land Surveyor in the State of Texas, do hereby state that the foregoing description accurately sets out the metes and bounds description of the easement tract described herein.

Eric S. Spooner, RPLS
Spooner & Associates, Inc.
Texas Registration No. 5922
TBPLS Firm No. 10054900





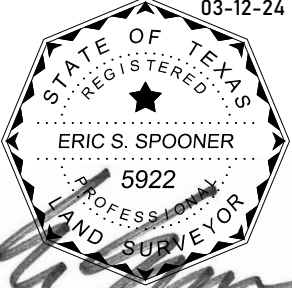
TEMPORARY CONSTRUCTION EASEMENT
CHARLES CARTER SURVEY,
ABSTRACT NUMBER 220
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS



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TBPLS FIRM NO. 10054900

03-12-24



PROPERTY: CALLLED: 8 ACRES, CAROL STORY (TRUSTEE)
STORY FAMILY TRUST, INS. NO. 20150702000816610, O.P.R.C.C.T.
21100_PAR 4_TCE.DWG

S&A JOB NO.: 21100
DATE: 03/01/2024

DRAWN BY: R.F.O.
CHECKED BY: E.S.S.

PARCEL 4 ~ TCE ~ STORY ~ PAGE 2 OF 3

SEE ATTACHED METES & BOUNDS
DESCRIPTION ON PAGE 1 HEREIN

W. UNIVERSITY DRIVE
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

EX. PERMANENT VARIABLE
WIDTH WATER LINE EASEMENT
TO CITY OF MCKINNEY
INS. NO. 20181004001244960,
O.P.R.C.C.T.

R.O.W.

EXHIBIT "A", TRACT II

E2

1/2" CIRF
"GM GEER
3258"

E1

L1

20.00'

L2

L3

L5

L4

0' 30' 60'

GRAPHIC SCALE IN FEET
1" = 60'

CIRF= CAPPED IRON ROD FOUND
INS. NO.= INSTRUMENT NUMBER
B.S.I.= BY SEPARATE INSTRUMENT
P.R.C.C.T.= PLAT RECORDS,
COLLIN COUNTY, TEXAS
O.P.R.C.C.T.= OFFICIAL PUBLIC RECORDS,
COLLIN COUNTY, TEXAS

TEMPORARY
CONSTRUCTION EASEMENT
0.5656 ACRES (24,636 S.F.)

PROPERTY
LINE

LINE TABLE

NO.	DIRECTION	DIST.
L1	N89°26'22"E	85.67'
L2	N00°33'38"W	37.50'
L3	N89°26'22"E	25.00'
L4	S00°33'38"E	62.50'
L5	S89°26'22"W	85.59'

CALLED: 8 ACRES
CAROL STORY (TRUSTEE)
STORY FAMILY TRUST
INS. NO. 20150702000816610,
O.P.R.C.C.T.

CHARLES CARTER SURVEY
ABS. NO. 220

E1

EX. 20' PERMANENT WATERLINE
EASEMENT TO NORTH TEXAS
MUNICIPAL WATER DISTRICT
VOL. 5808, PG. 5475,
D.R.C.C.T.

E2

UTILITY EASEMENT CONVEYED
TO THE CITY OF MCKINNEY
INS. NO. 20120606000671180,
O.P.R.C.C.T.

CALLLED: 12.414 ACRES "TRACT 61"
JIM B. PHIPPS, INS. NO. 97-0093080,
O.P.R.C.C.T.

WATER LINE
EASEMENT
(B.S.I.)

E1

LOT 3

MATCH LINE

SEE PAGE 2 OF 3

NOTE: BEARINGS AND COORDINATES ARE REFERENCED TO
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2011. DISTANCES AND AREAS SHOWN ARE SURFACE.

TEMPORARY CONSTRUCTION EASEMENT
CHARLES CARTER SURVEY,
ABSTRACT NUMBER 220
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS



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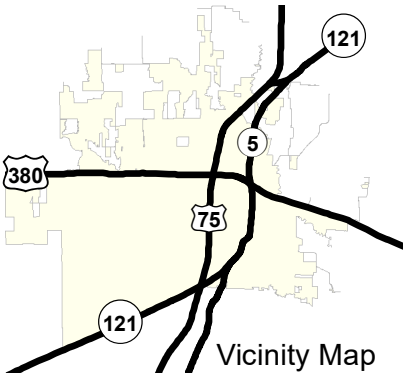
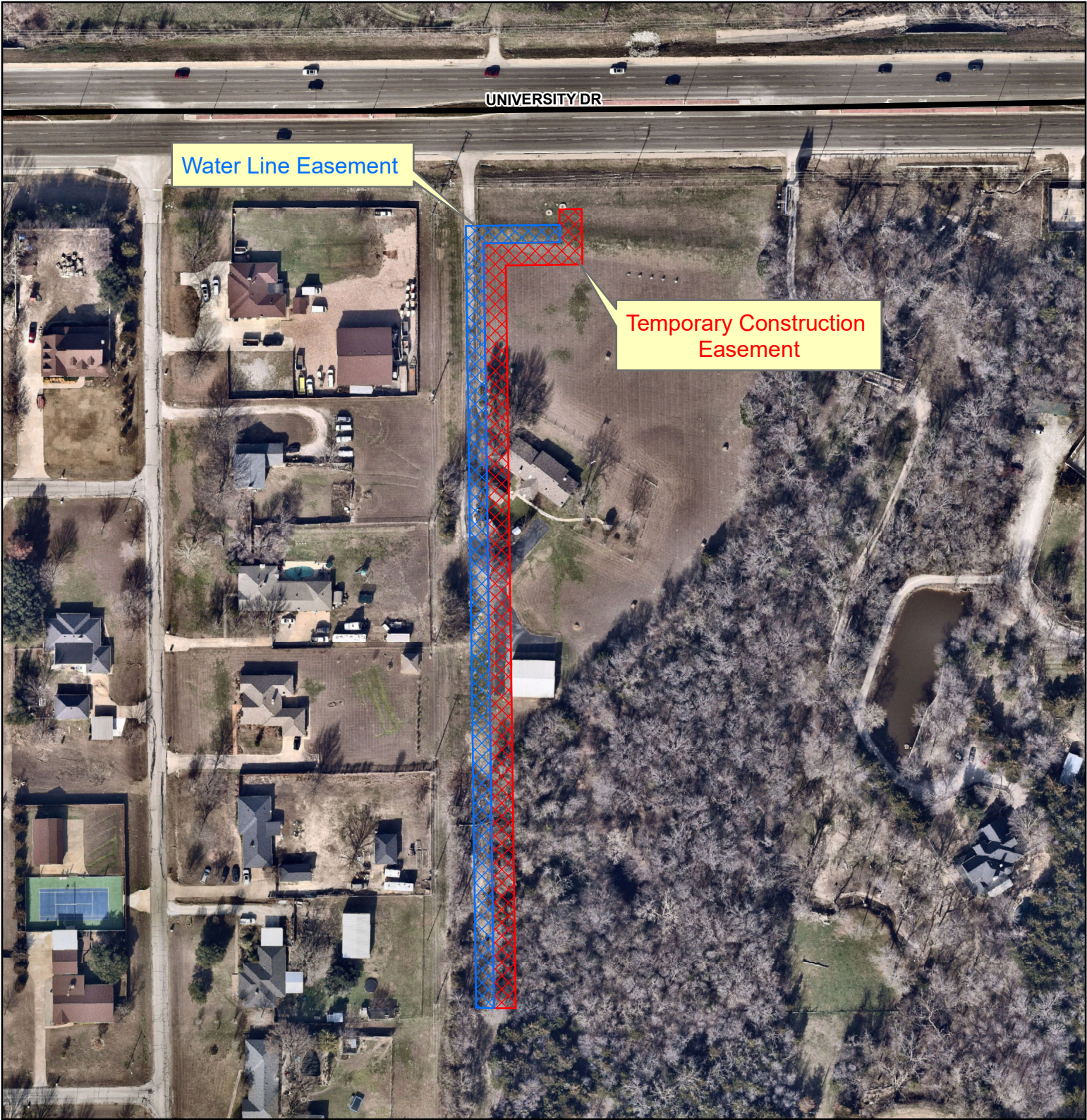
PROPERTY: CALLED: 8 ACRES, CAROL STORY (TRUSTEE)
STORY FAMILY TRUST, INS. NO. 20150702000816610, O.P.R.C.C.T.
21100_PAR 4_TCE.DWG

S&A JOB NO.: 21100
DATE: 03/01/2024

DRAWN BY: R.F.O.
CHECKED BY: E.S.S.

PARCEL 4 ~ TCE ~ STORY ~ PAGE 3 OF 3

Document Path: Y:\GIS\GISWork\KHHingra\jaMapProjects\LocationMap\StoryFamilyTrust\Dev_Services_Notification_Map\StoryFamilyTrust.mxd



Location Map

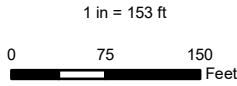
Exhibit "B"

Story Family Trust

Water Line Easement and

Temporary Construction Easement

Source: City of McKinney GIS
Date: 5/10/2024



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.

