

RESOLUTION NO. 2023-04-_____ (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 WATER LINE AND TEMPORARY CONSTRUCTION EASEMENTS ASSOCIATED WITH THE SH 5 UTILITY RELOCATION PROJECT (WA1633); 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), the location of which is 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 Water Line and Temporary Construction Easements, as described and depicted in Exhibit A, Tract I and Tract II respectively, 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).
- 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), 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 that certain lot, tract or parcel of land described and depicted in Exhibit A, Tract I and 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 4th DAY OF APRIL 2023.

CITY OF MCKINNEY, TEXAS:

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT "A"
VARIABLE WIDTH WATER EASEMENT - P19
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

Being a tract of land, situated in the William Hemphill Survey, Abstract No. 449 and in the Joab Butler Survey, Abstract No. 68, in the City of McKinney, Collin County, Texas, and being a part of CA-B1, Block B, of **MERIDIAN AT SOUTHGATE 3**, an addition to the City of McKinney, as recorded in Volume 2020, Page 317, 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 point for corner, being the most westerly corner of said CA-B1, said corner being the most easterly northeast corner of CA-F1, Block F, of said addition, said corner also being in the southeasterly monumented line of Pardella Drive;

THENCE South 32°01'09" East, along the common line between said CA-B1 and CA-F1, a distance of 0.07' to a point for corner, being the most easterly northeast corner of Lot 3R, Block A, of **THE GREENS OF MCKINNEY, SECTION 3**, an addition to the City of McKinney, as recorded in Volume 0, Page 176, of the Map Records, Collin County, Texas (M.R.C.C.T.);

THENCE along the common line between said CA-B1 and Lot 3R, the following (2) two courses and distances:

1. South 28°04'31" East, a distance of 177.29' to a point for corner;
2. South 40°03'40" East, a distance of 99.94' to the **POINT OF BEGINNING** of the herein described tract;

THENCE over and across said CA-B1, the following (23) twenty-three courses and distances:

1. North 49°56'20" East, a distance of 3.99' to a point for corner;
2. North 40°03'40" West, a distance of 5.00' to a point for corner;
3. North 49°56'20" East, a distance of 17.00' to a point for corner;
4. South 40°03'40" East, a distance of 5.00' to a point for corner;
5. North 49°56'20" East, a distance of 131.74' to a point for corner;
6. North 43°06'19" East, a distance of 8.16' to a point for corner;
7. North 46°38'27" West, a distance of 5.01' to a point for corner;
8. North 43°21'33" East, a distance of 15.00' to a point for corner;
9. South 46°38'27" East, a distance of 5.00' to a point for corner;
10. North 43°21'33" East, a distance of 101.82' to a point for corner;
11. North 86°11'31" East, a distance of 22.26' to a point for corner;
12. North 03°48'29" West, a distance of 5.00' to a point for corner;
13. North 86°11'31" East, a distance of 18.33' to a point for corner;
14. South 03°48'29" East, a distance of 5.00' to a point for corner;
15. North 39°08'57" East, a distance of 359.32' to a point for corner;
16. North 64°49'41" West, a distance of 4.29' to a point for corner;
17. North 25°10'19" East, a distance of 15.00' to a point for corner;

(CONTINUED ON 2 OF 4)

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.


DATE:	04/11/2022	VARIABLE WIDTH WATER EASEMENT - P19 WILLIAM HEMPHILL SURVEY ABSTRACT NO. 449 AND THE JOAB BUTLER SURVEY ABSTRACT NO. 68 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. 10074900
SHEET NO.:	1 OF 4		
SCALE:	1" = 100'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2020-0010		

EXHIBIT "A"
VARIABLE WIDTH WATER EASEMENT - P19
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

(CONTINUED FROM 1 OF 4)

18. South 64°49'41" East, a distance of 5.00' to a point for corner;

19. North 25°10'19" East, a distance of 51.04' to a point for corner;

20. North 67°34'57" East, a distance of 15.40' to a point for corner;

21. South 70°46'26" East, a distance of 20.87' to a point for corner;

22. North 28°40'08" East, a distance of 67.61' to a point for corner;

23. North 35°18'30" East, a distance of 94.96' to a point for corner in the northwesterly monumented line of Spur 399, same being in a curve to the right, having a radius of 1900.35', a central angle of 05°07'32", and a chord which bears, South 27°21'57" West, a chord distance of 169.95';

Thence along said curve to the right, in a southwesterly direction, along the northwesterly monumented line of Spur 399, an arc length of 170.00' to a point for corner;

THENCE over and across said CA-B1, the following (7) seven courses and distances:

1. South 79°42'06" West, a distance of 9.54' to a point for corner;

2. North 70°46'26" West, a distance of 22.83' to a point for corner;

3. South 25°10'19" West, a distance of 61.80' to a point for corner;

4. South 39°08'57" West, a distance of 370.62' to a point for corner;

5. South 86°11'31" West, a distance of 41.24' to a point for corner;

6. South 43°19'43" West, a distance of 120.36' to a point for corner;

7. South 49°56'20" West, a distance of 153.19' to a point for corner, being in the aforementioned common line between CA-B1 and Lot 3;

THENCE North 40°03'40" West, along said common line, a distance of 15.00' to the **POINT OF BEGINNING** and containing 13,843 square feet or 0.318 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

O.P.R.C.C.T. = Official Public Records, Collin County, Texas

Michael B. Arthur



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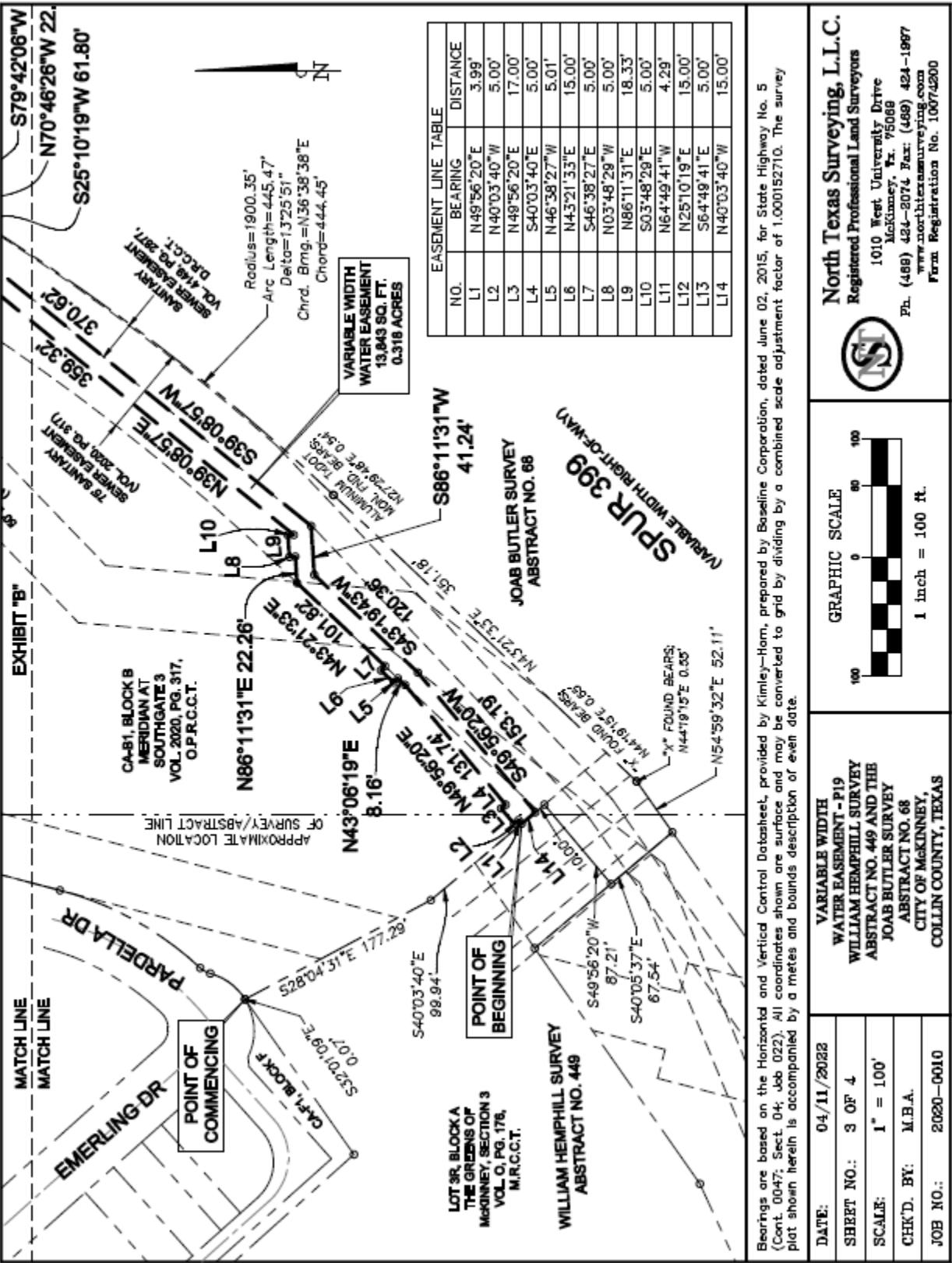
DATE:	04/11/2022	VARIABLE WIDTH WATER EASEMENT - P19 WILLIAM HEMPHILL SURVEY ABSTRACT NO. 449 AND THE JOAB BUTLER SURVEY ABSTRACT NO. 68 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS	 North Texas Surveying, L.L.C. Registered Professional Land Surveyors 1010 West University Drive McKinney, Tx. 75069 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexassurveying.com Firm Registration No. 10074800
SHEET NO.:	2 OF 4		
SCALE:	1" = 100'		
CHK'D. BY:	M.B.A.		
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Exhibit A, Tract I

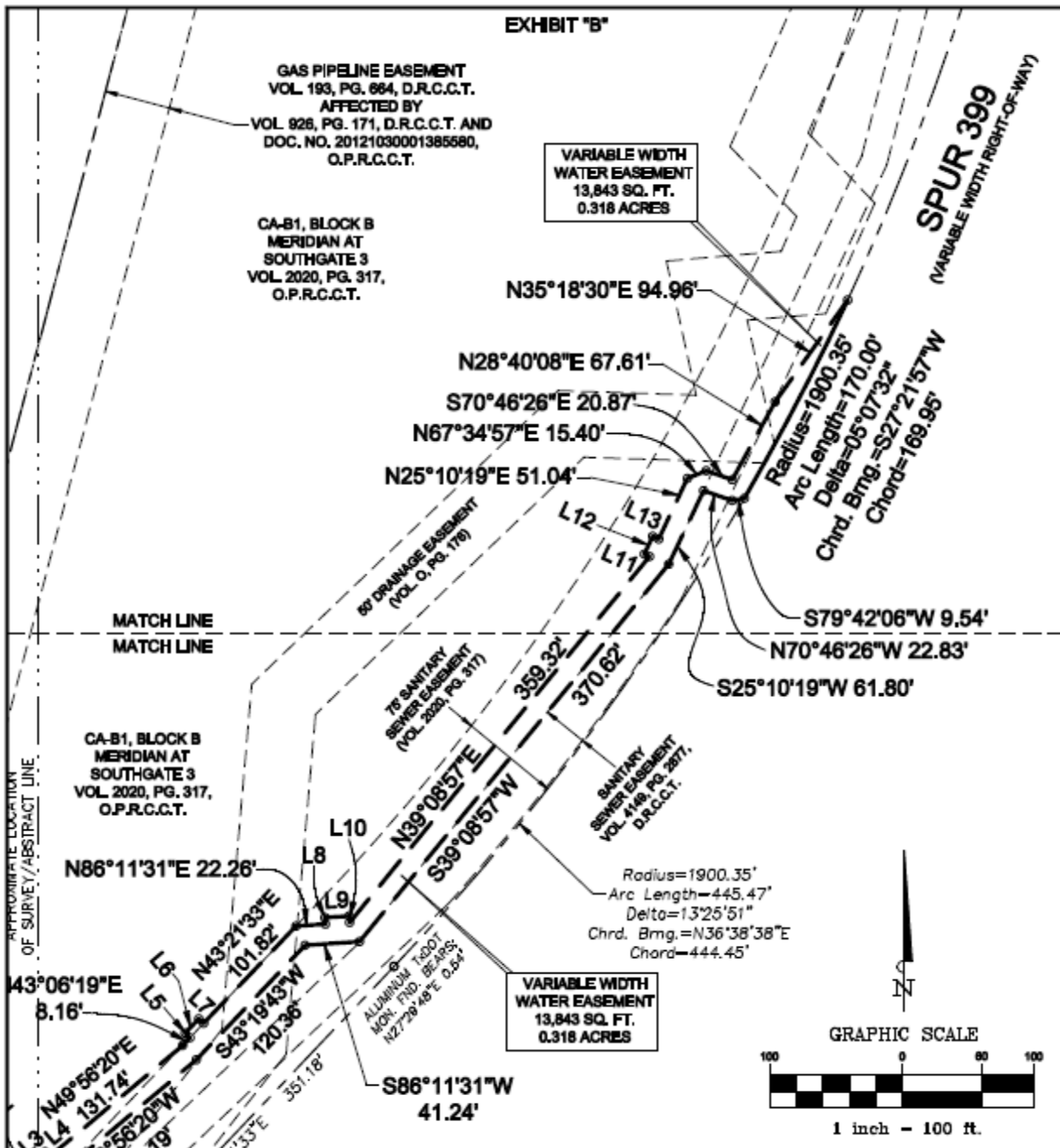


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SHEET NO.:	3 OF 4
SCALE:	1" = 100'
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VARIABLE WIDTH WATER EASEMENT - P19 WILLIAM HEMPHILL SURVEY ABSTRACT NO. 449 AND THE JOAB BUTLER SURVEY ABSTRACT NO. 68 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS
1010 West University Drive McKinney, Tx. 75068 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexasurveying.com Form Registration No. 100742900

Exhibit A, Tract I



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DATE: 04/11/2022
SHEET NO.: 4 OF 4
SCALE: 1" = 100'
CHK'D. BY: M.B.A.
JOB NO.: 2020-0010

VARIABLE WIDTH
WATER EASEMENT - P19
WILLIAM HEMPHILL SURVEY
ABSTRACT NO. 449 AND THE
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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McKinney, Tx. 75069
Ph. (469) 424-2074 Fax: (469) 424-1997
www.northtexassurveying.com
Firm Registration No. 10074200

EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT - T23
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

Being a tract of land, situated in the William Hemphill Survey, Abstract No. 449 and in the Joab Butler Survey, Abstract No. 68, in the City of McKinney, Collin County, Texas, and being a part of CA-B1, Block B, of **MERIDIAN AT SOUTHGATE 3**, an addition to the City of McKinney, as recorded in Volume 2020, Page 317, 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 point for corner, being the most westerly corner of said CA-B1, said corner being the most easterly northeast corner of CA-F1, Block F, of said addition, said corner also being in the southeasterly monumented line of Pardella Drive;

THENCE South 32°01'09" East, along the common line between said CA-B1 and CA-F1, a distance of 0.07' to a point for corner, being the most easterly northeast corner of Lot 3R, Block A, of **THE GREENS OF MCKINNEY, SECTION 3**, an addition to the City of McKinney, as recorded in Volume 0, Page 176, of the Map Records, Collin County, Texas (M.R.C.C.T.);

THENCE along the common line between said CA-B1 and Lot 3R, the following (2) two courses and distances:

1. South 28°04'31" East, a distance of 177.29' to a point for corner;
2. South 40°03'40" East, a distance of 89.94' to the **POINT OF BEGINNING** of the herein described tract;

THENCE over and across said CA-B1, the following (9) nine courses and distances:

1. North 49°56'20" East, a distance of 151.44' to a point for corner;
2. North 43°21'33" East, a distance of 130.44' to a point for corner;
3. North 86°11'31" East, a distance of 39.95' to a point for corner;
4. North 39°08'57" East, a distance of 353.89' to a point for corner;
5. North 25°10'19" East, a distance of 67.16' to a point for corner;
6. North 67°34'57" East, a distance of 26.92' to a point for corner;
7. South 70°46'26" East, a distance of 13.87' to a point for corner;
8. North 28°40'08" East, a distance of 55.77' to a point for corner;
9. North 35°18'30" East, a distance of 168.72' to a point for corner in the northwesterly monumented line of

Spur 399, same being in a curve to the right, having a radius of 1900.35', a central angle of 02°14'39", and a chord which bears, South 23°40'51" West, a chord distance of 74.42';

Thence along said curve to the right, in a southwesterly direction, an arc length of 74.43' to a point for corner;

THENCE over and across said CA-B1, the following (23) twenty-three courses and distances:

1. South 35°18'30" West, a distance of 94.96' to a point for corner;
2. South 28°40'08" West, a distance of 67.61' to a point for corner;
3. North 70°46'26" West, a distance of 20.87' to a point for corner;
4. South 67°34'57" West, a distance of 15.40' to a point for corner;

(CONTINUED ON 2 OF 4)

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SHEET NO.:	1 OF 4		
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EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT - T23
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

(CONTINUED FROM 1 OF 4)

5. South 25°10'19" West, a distance of 51.04' to a point for corner;
6. North 64°49'41" West, a distance of 5.00' to a point for corner;
7. South 25°10'19" West, a distance of 15.00' to a point for corner;
8. South 64°49'41" East, a distance of 4.29' to a point for corner;
9. South 39°08'57" West, a distance of 359.32' to a point for corner;
10. North 03°48'29" West, a distance of 5.00' to a point for corner;
11. South 86°11'31" West, a distance of 18.33' to a point for corner;
12. South 03°48'29" East, a distance of 5.00' to a point for corner;
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15. North 46°38'27" East, a distance of 5.00' to a point for corner;
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19. South 49°56'20" West, a distance of 131.74' to a point for corner;
20. North 40°03'40" West, a distance of 5.00' to a point for corner;
21. South 49°56'20" West, a distance of 17.00' to a point for corner;
22. South 40°03'40" East, a distance of 5.00' to a point for corner;
23. South 49°56'20" West, a distance of 3.99' to a point for corner, being in the aforementioned common line between said CA-B1 and Lot 3R;

THENCE North 40°03'40" West, along said common line, a distance of 15.00' to the **POINT OF BEGINNING** and containing 14,328 square feet or 0.329 acres of land, more or less.


ABBREVIATIONS

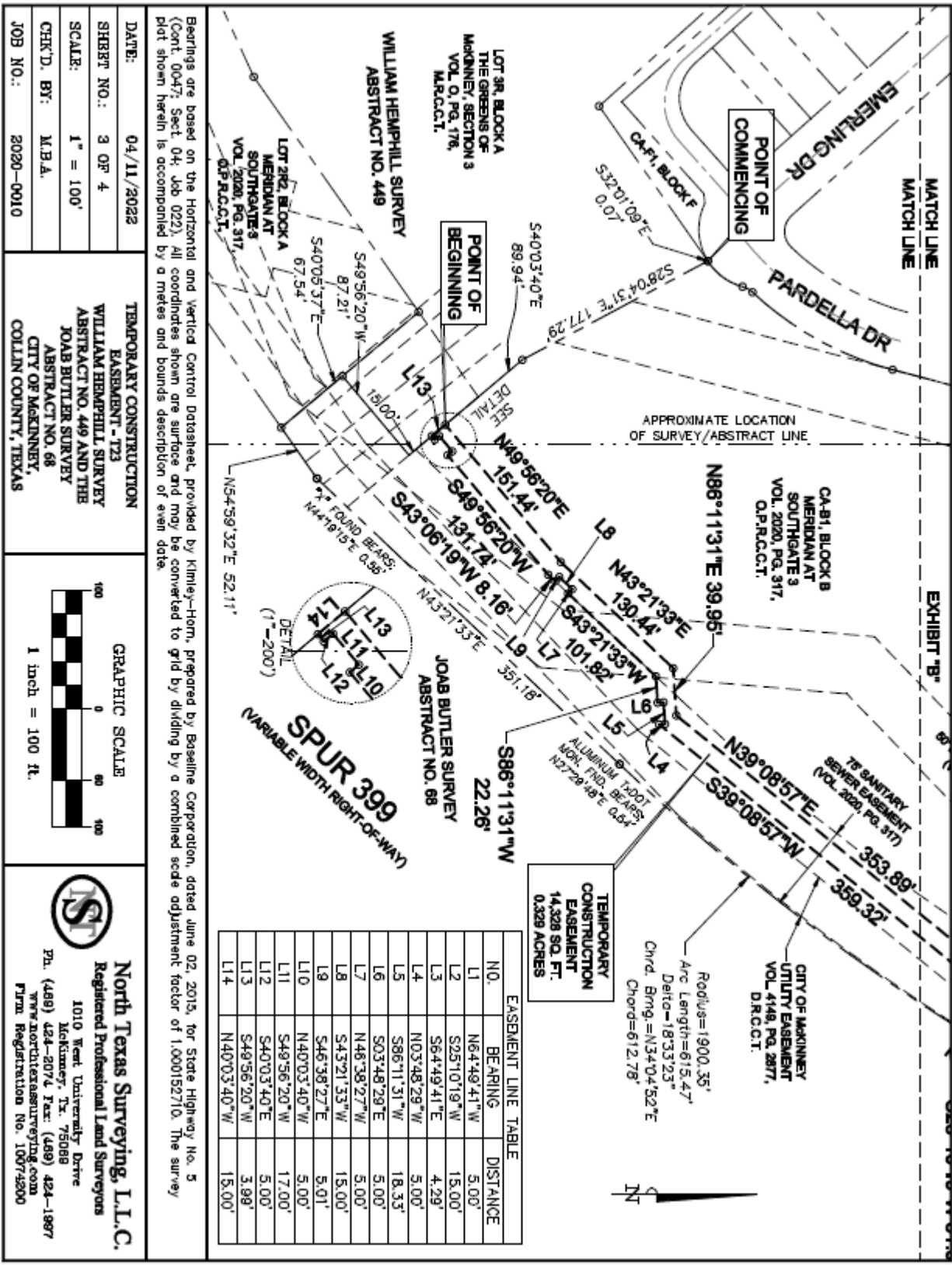
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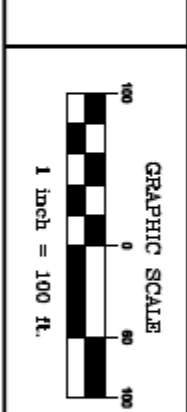
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DATE: 04/11/2022
SHEET NO.: 3 OF 4
SCALE: 1" = 100'
CHK'D BY: M.B.A.
JOB NO.: 2020-0010

TEMPORARY CONSTRUCTION EASEMENT - 173 WILLIAM HEMPHILL SURVEY ABSTRACT NO. 449 AND THE JOAB BUTLER SURVEY ABSTRACT NO. 68 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS



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