

RESOLUTION NO. 2023-11-____ (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 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 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 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, 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 7th DAY OF NOVEMBER, 2023.

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"
15' WATER EASEMENT - P91
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 that 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, 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 brass TxDoT monument found for the southwesterly corner of said 21.552 acre tract, same being the northwesterly corner of a tract of land, described in deed to the State of Texas, as recorded in Volume 409, Page 135, of the Deed Records, Collin County, Texas (D.R.C.C.T.), same also being in the southeasterly monumented line of State Highway No. 5 (S. McDonald Street);

THENCE North 23°31'58" East, along said southeasterly monumented line of State Highway No. 5, a distance of 153.11' to a point for corner;

THENCE over and across said 21.552 acre tract, the following (9) nine courses and distances:

1. North 70°21'41" East, a distance of 9.25' to a point for corner;
2. South 85°25'27" East, a distance of 93.53' to a point for corner;
3. North 40°34'20" East, a distance of 9.11', to a point for corner;
4. North 26°23'42" East, a distance of 331.16' to a point for corner;
5. North 37°13'22" East, a distance of 9.86' to a point for corner;
6. North 59°56'00" East, a distance of 41.29' to a point for corner;
7. North 74°10'56" East, a distance of 7.30' to a point for corner;
8. North 15°50'44" West, a distance of 11.05' to a point for corner;

9. North 00°21'08" East, a distance of 90.26' to a point for corner, in the northerly line of said 21.552 acre tract, same being in the southerly line of Lot 4, Block A, of **CRESTSTONE ADDITION**, an addition to the City of McKinney, as recorded in Volume 2018, Page 419, O.P.R.C.C.T.;


THENCE South 87°47'18" East, along the common line between said 21.552 acre tract and Lot 4, a distance of 15.01' to a point for corner;

THENCE over and across said 21.552 acre tract, the following (6) six courses and distances:

1. South 00°21'08" West, a distance of 108.70' to a point for corner;
2. South 59°56'00" West, a distance of 53.27' to a point for corner;
3. South 26°23'42" West, a distance of 335.39' to a point for corner;
4. South 40°34'20" West, a distance of 18.62' to a point for corner;
5. North 85°25'27" West, a distance of 97.60' to a point for corner;
6. South 23°31'58" West, a distance of 140.23' to a point for corner in the southerly line of said 21.552 acre tract, same being in the northerly line of the aforementioned State of Texas tract;

THENCE North 88°54'02" West, along the common line between said 21.552 acre tract and said State of Texas tract, a distance of 16.23' to the **POINT OF BEGINNING** and containing 11,275 square feet or 0.259 acres of land, more or less.

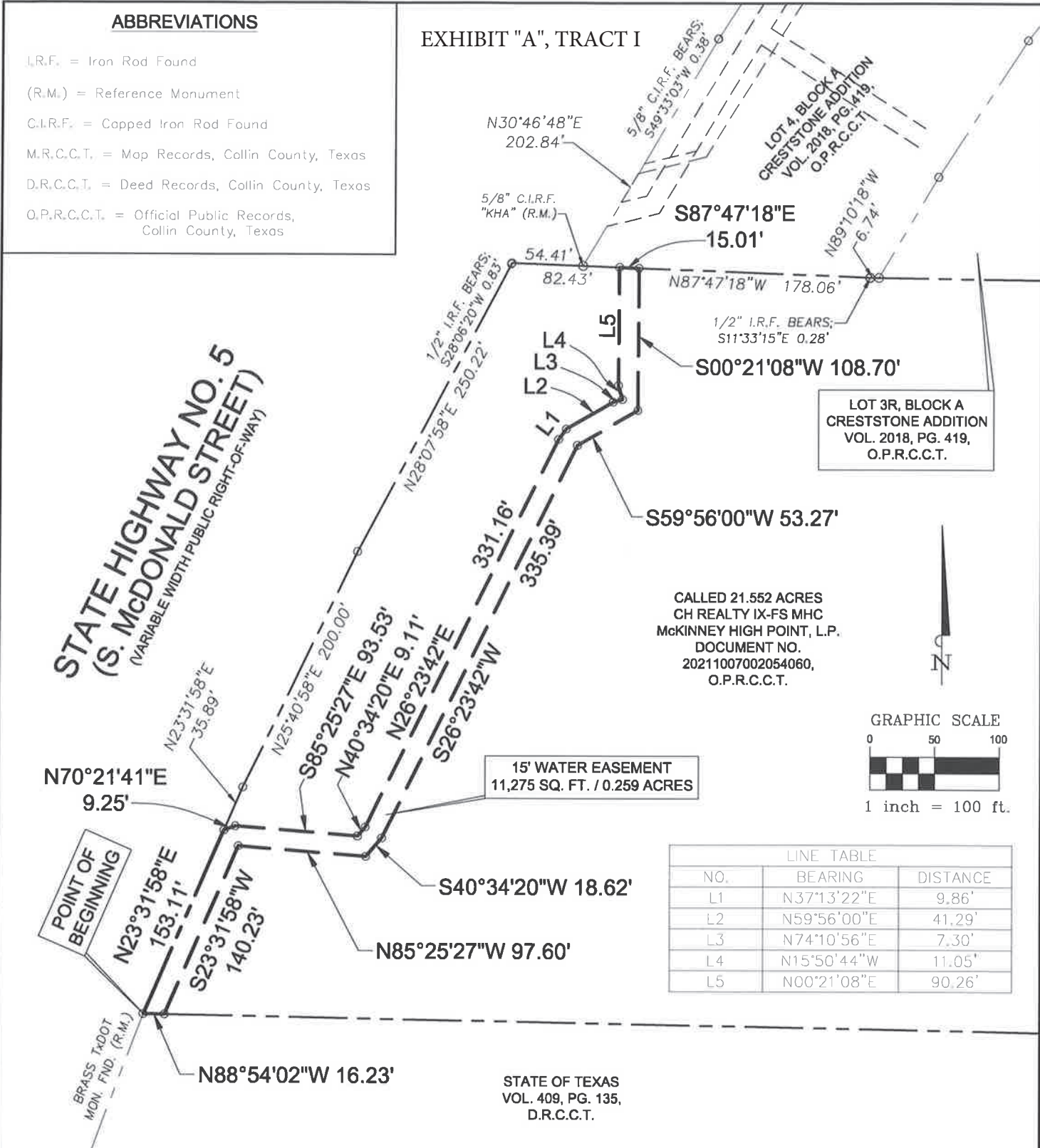
Bearings are based on the Horizontal and Vertical Control Datasheet, provided by Kimley-Horn, prepared by Baseline Corporation, dated June 02, 2015, for State Highway No. 5 (Cont. 0047; Sect. 04; Job 022). All coordinates shown are surface and may be converted to grid by dividing by a combined scale adjustment factor of 1.000152710. The metes and bounds description shown herein is accompanied by a survey plat of even date.

DATE:	01/11/2023	15' WATER EASEMENT - P91 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. 10074200
SHEET NO.:	1 OF 2		
SCALE:	1" = 100'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2020-0010		

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

EXHIBIT "A", TRACT I



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

EXHIBIT "A"

15' TEMPORARY CONSTRUCTION EASEMENT - T98

EXHIBIT "A", TRACT II

CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

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 that 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, 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 brass TxDoT monument found for the southwesterly corner of said 21.552 acre tract, same being northeasterly corner of a tract of land, described in deed to the State of Texas, as recorded in Volume 409, Page 135, of the Deed Records, Collin County, Texas (D.R.C.C.T.) and also being in the southeasterly monumented line of State Highway No. 5;

THENCE North 30°05'13" East, over and across said 21.552 acre tract, a distance of 131.42' to the **POINT OF BEGINNING** of the herein described tract;


THENCE over and across said 21.552 acre tract, the following (14) fourteen courses and distances:

1. North 23°31'58" East, a distance of 15.86' to a point for corner;
2. South 85°25'27" East, a distance of 97.60' to a point for corner;
3. North 40°34'20" East, a distance of 18.62', to a point for corner;
4. North 26°23'42" East, a distance of 331.60' to a point for corner;
5. North 37°13'22" East, a distance of 5.42' to a point for corner;
6. North 59°56'00" East, a distance of 51.42' to a point for corner;
7. North 00°21'08" East, a distance of 7.94';
8. South 89°38'52" East, a distance of 15.00' to a point for corner;
9. South 00°21'08" West, a distance of 16.52' to a point for corner;
10. South 59°56'00" West, a distance of 57.00' to a point for corner;
11. South 37°13'22" West, a distance of 0.99' to a point for corner;
12. South 26°23'42" West, a distance of 332.05' to a point for corner;
13. South 40°34'20" West, a distance of 28.13' to a point for corner;
14. North 85°25'27" West, a distance of 110.40' to the **POINT OF BEGINNING** and containing 7,935 square feet or 0.182 acres of land, more or less.

Michael B. Arthur



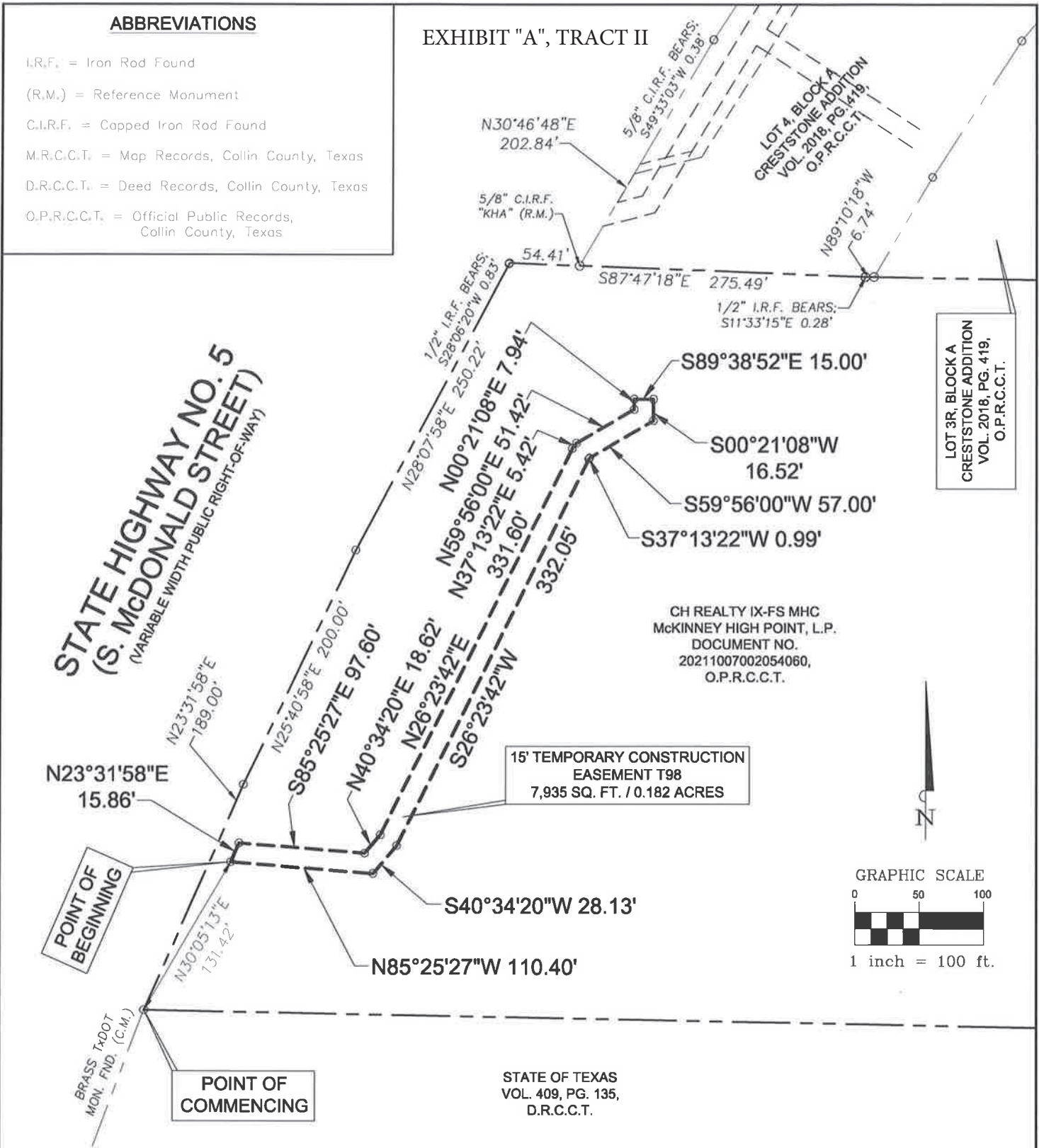
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DATE:	04/03/2023	15' TEMPORARY CONSTRUCTION EASEMENT JOAB BUTLER SURVEY ABSTRACT NO. 68 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS	<div></div> <div>North Texas Surveying, L.L.C. Registered Professional Land Surveyors 1010 West University Drive McKinney, Tx. 75069 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexassurveying.com Firm Registration No. 10074200</div>
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CHK'D. BY:	M.B.A.		
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EXHIBIT "A", TRACT II



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



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15' TEMPORARY CONSTRUCTION
EASEMENT - T98A
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

EXHIBIT "A", TRACT II

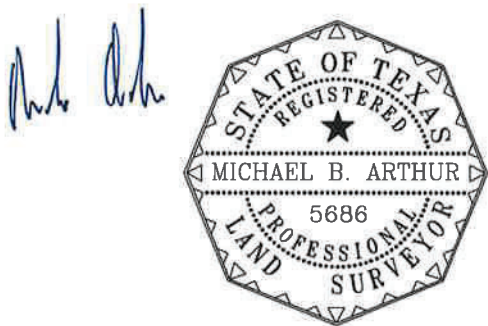
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BEGINNING at point for corner, being in the southerly line of said 21.552 acre tract, same being in the northerly line of tract of land, described in deed to the State of Texas, as recorded in Volume 409, Page 135, of the Deed Records, Collin County, Texas (D.R.C.C.T.), from which a brass TxDoT monument found for the southwesterly corner of said 21.552 acre tract bears, North 88°54'02" West, a distance of 16.23';


THENCE over and across said 21.552 acre tract, the following (3) three courses and distances:

- 1. North 23°31'58" East, a distance of 100.71' to a point for corner;
- 2. South 88°27'04" East, a distance of 16.18' to a point for corner;
- 3. South 23°31'58" West, a distance of 100.57' to a point for corner in the southerly line of said 21.552 acre tract, same being in the northerly line of the aforementioned State of Texas tract;

THENCE North 88°54'02" West, along the common line between said 21.552 acre tract and said State of Texas tract, a distance of 16.23' to the **POINT OF BEGINNING** and containing 1,510 square feet or 0.035 acres of land, more or less,



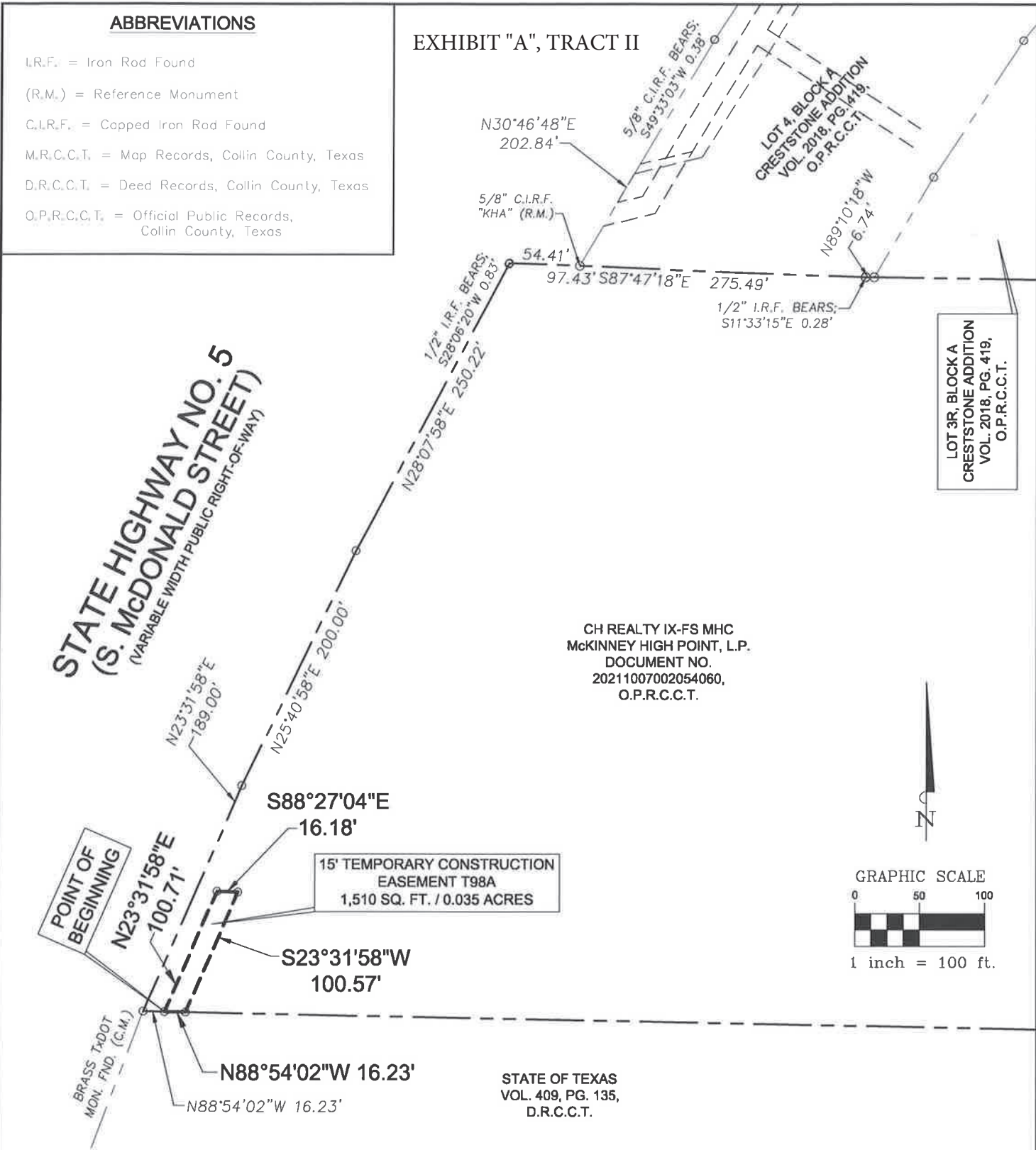
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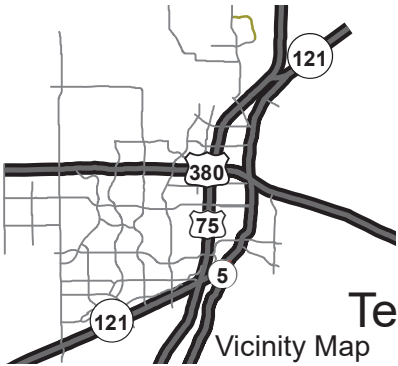
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Location Map

Exhibit "B"

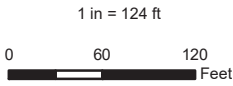
CH Realty IX-FS MHC

McKinney High Point, L.P.

Water Line Easement and

Temporary Construction Easement

Source: City of McKinney GIS
Date: 10/24/2023



DISCLAIMER: This map an information contained in it wer developed exclusively for us by the City of McKinney. An use or reliance on this map b anyone else is at that party's ris and without liability to the City of McKinney, its officials or employee for any discrepancies, error, or variances which may exis

