

RESOLUTION NO. 2023-08-____ (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 TEMPORARY CONSTRUCTION EASEMENT ASSOCIATED WITH THE SH 5 UTILITY RELOCATION PROJECT (WA1633 & WW1633); 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 (WA1633 & WW1633), 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 Temporary Construction 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 (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.
- 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 15th DAY OF AUGUST, 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"
15' TEMPORARY CONSTRUCTION
EASEMENT - T16
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

EXHIBIT "A"

Being a tract of land, situated in the Samuel McFarland Survey, Abstract No. 558, in the City of McKinney, Collin County, Texas, and being a part of Lot 1, Block A, of **CHUN H. LAM ADDITION**, an addition to the City of McKinney, as recorded in Volume 2018, Page 439, 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 1/2" Iron rod found with plastic cap stamped "GEER" found for the northeasterly corner of said Lot 1, same being in the southerly monumented line of McMakin Street, said corner also being the northwesterly corner of Lot T-1, of **MILLER ADDITION**, an addition to the City of McKinney, as recorded in Volume 2, Page 1, of the Map Records, Collin County, Texas (M.R.C.C.T.);

THENCE South 00°07'05" East, along the common line between said Lot 1 and Lot T-1, a distance of 8.05' to a point for corner, being at the beginning of a curve to the left, having a radius of 2465.66', a central angle of 04°40'20", and a chord which bears, South 51°15'02" West, a chord distance of 201.01';

Thence along said curve to the left, in a southwesterly direction, over and across said Lot 1, an arc length of 201.06' to a point for corner, being at the beginning of a curve to the left, having a radius of 1089.92', a central angle of 09°15'01", and a chord which bears, South 42°36'36" West, a chord distance of 175.77';

Thence along said curve to the left, in a southwesterly direction, over and across said Lot 1, an arc length of 175.96' to a point for corner, being in the southerly line of said Lot 1;

THENCE North 89°26'15" West, along the southerly line of said Lot 1, a distance of 18.81' to a point for corner, being at the beginning of a curve to the right, having a radius of 1104.92', a central angle of 09°51'16", and a chord which bears, North 42°19'09" East, a chord distance of 189.61';

Thence along said curve to the right, in a northeasterly direction, over and across said Lot 1, an arc length of 190.04' to a point for corner, being at the beginning of a curve to the right, having a radius of 2480.66', a central angle of 04°31'32", and a chord which bears, North 51°10'20" East, a chord distance of 195.88';

Thence along said curve to the right, in a northeasterly direction, over and across said Lot 1, an arc length of 195.93' to a point for corner in the aforementioned southerly monumented line of McMakin Street, same being the northerly line of said Lot 1;


THENCE South 89°31'02" East, along the southerly monumented line of McMakin Street, a distance of 14.17' to the **POINT OF BEGINNING** and containing 5,779 square feet or 0.133 acre 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

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:	10/04/2021	15' TEMPORARY CONSTRUCTION EASEMENT - T16 0.133 ACRES IN THE SAMUEL MCFARLAND SURVEY ABSTRACT NO. 558 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) 424-1987 www.northtexassurveying.com Firm Registration No. 10074200
REVISED:			
SCALE:	1" = 50'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2020-0010		



Legend



Vicinity Map

Location Map **Exhibit "B"** **Chun H. Lam** **Temporary Construction** **Easement**

Source: City of McKinney GIS
 Date: 5/13/2023

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.



1 in = 145 ft
 0 70 140 Feet

