

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 SANITARY SEWER 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 Sanitary Sewer 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 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 17th DAY OF OCTOBER, 2023.

CITY OF MCKINNEY, TEXAS:

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary
TENITRUS BETHEL
Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

**EXHIBIT "A"
15' SANITARY SEWER
EASEMENT - P44
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS**

EXHIBIT "A", TRACT I

Being a tract of land, situated in the William Davis Survey, Abstract No. 248, in the City of McKinney, Collin County, Texas, and being a part of Lot 1R, Block C, of **DOWNTOWN MCKINNEY MIXED USE ADDITION**, an addition to the City of McKinney, as recorded Vol. 2018, Pg. 818, 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 for corner, being the southeasterly corner of said Lot 1R, same being an "ell" corner in the right-of-way for McDonald Street;

THENCE North 89°09'37" West, along said southerly line of of said Lot 1R, a distance of 15.00' to a point for corner, from which the calculated northeasterly corner of a tract of land, described by deed to The Heritage Guild of Collin County, Texas, as recorded in Volume 3485, Page 376, of the Deed Records, Collin County, Texas (D.R.C.C.T.) bears, South 89°09'37" East, a distance of 3.64';

THENCE over and across said Lot 1R, the following (3) three courses and distances:

North 01°22'28" East, a distance of 37.67' to a point for corner;

North 00°53'02" West, a distance of 202.79', to a point for corner;

North 89°23'31" East, a distance of 15.00' to a point for corner;

THENCE South 00°53'02" East, partially over and across said Lot 1R, passing an "ell" corner of said Lot 1R, at a distance of 7.30', and continuing along the easterly line of said Lot 1R, same being the westerly monumented line of McDonald Street, a total distance of 203.02' to a point for corner;


THENCE South 01°22'28" West, continuing along said westerly monumented line of McDonald Street, a distance of 37.83' to the **POINT OF BEGINNING** and containing 3,610 square feet or 0.083 acre of land, more or less.

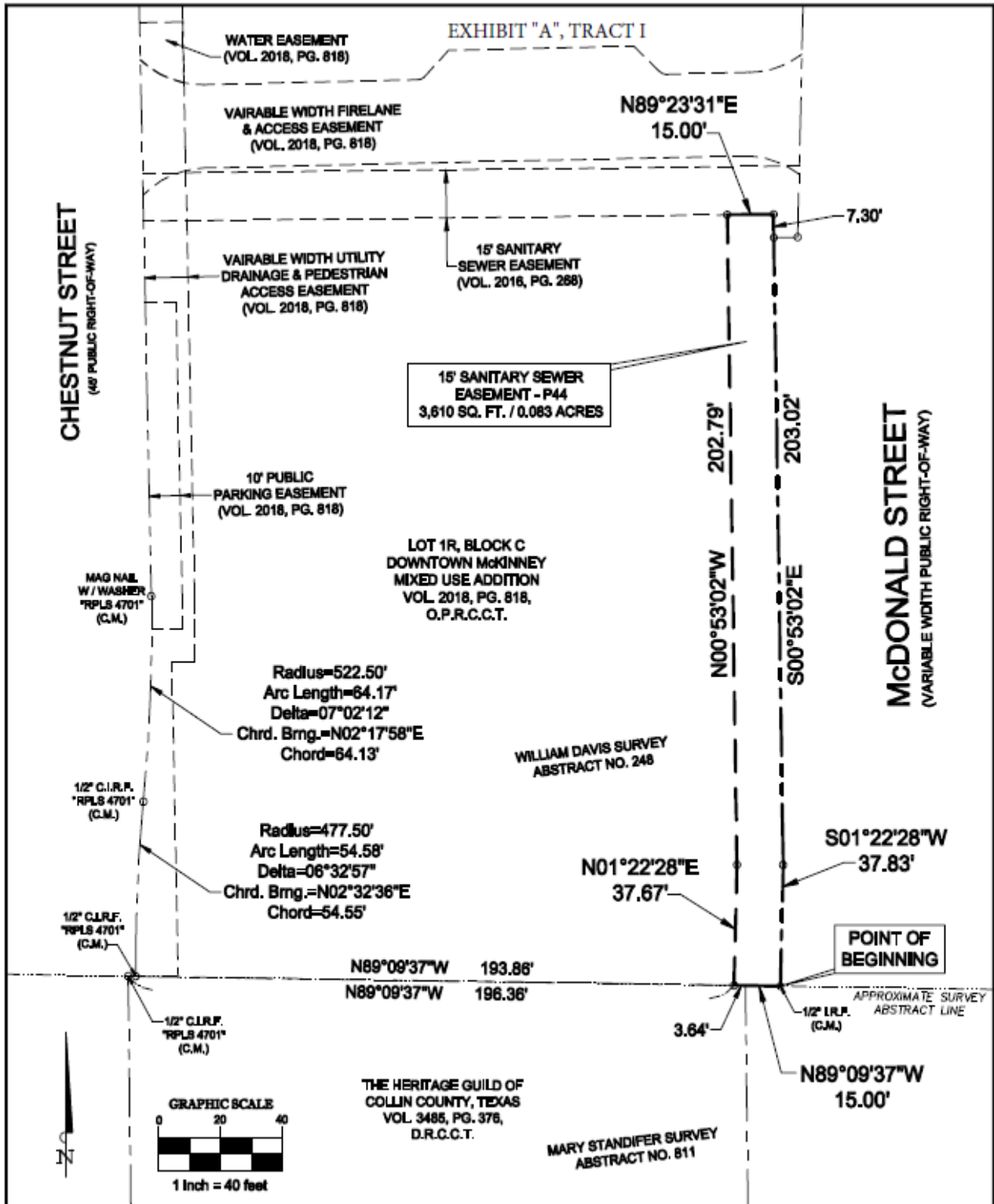
ABBREVIATIONS

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, elevations and coordinates (surface), 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.

DATE: 03/31/2021	15' SANITARY SEWER EASEMENT - P44 0.083 ACRES IN THE WILLIAM DAVIS SURVEY ABSTRACT NO. 248 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
REVISED:		
SCALE: 1" = 40'		
CHK'D. BY: M.B.A.		
JOB NO.: 2020-0010		




DATE:	03/31/2021
REVISED:	
SCALE:	1" = 40'
CHK'D. BY:	M.B.A.
JOB NO.:	2020-0010

15' SANITARY SEWER EASEMENT - P44
0.083 ACRES IN THE
WILLIAM DAVIS SURVEY
ABSTRACT NO. 248
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



**EXHIBIT "A"
15' TEMPORARY CONSTRUCTION
EASEMENT - T47
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS**

EXHIBIT "A", TRACT II

Being a tract of land, situated in the William Davis Survey, Abstract No. 248, in the City of McKinney, Collin County, Texas, and being a part of Lot 1R, Block C, of **DOWNTOWN MCKINNEY MIXED USE ADDITION**, an addition to the City of McKinney, as recorded Vol. 2018, Pg. 818, 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 southerly line of said Lot 1R, same being in the northerly line of a tract of land, described by deed to The Heritage Guild of Collin County, Texas, as recorded in Volume 3485, Page 376, of the Deed Records, Collin County, Texas (D.R.C.C.T.), from which a 1/2" iron rod with a plastic cap stamped "RPLS 4701" found for the southwesterly corner of said Lot 1R bears, North 89°09'37" West, a distance of 178.86';

THENCE over and across said Lot 1R, the following (5) five courses and distances:

North 01°22'28" East, a distance of 37.51' to a point for corner;

North 00°53'02" West, a distance of 202.57', to a point for corner;

North 89°23'31" East, a distance of 15.00' to a point for corner;

South 00°53'02" East, a distance of 202.79' to a point for corner;

South 01°22'28" West, a distance of 37.67' to a point for corner in the southerly line of said Lot 1R, same being in the northerly line of the aforementioned The Heritage Guild of Collin County, Texas tract;

THENCE North 89°09'37" West, along said common line between said Lot 1R and The Heritage Guild of Collin County, Texas tract, a distance of 15.00' to the **POINT OF BEGINNING** and containing 3,604 square feet or 0.083 acre of land, more or less.


ABBREVIATIONS

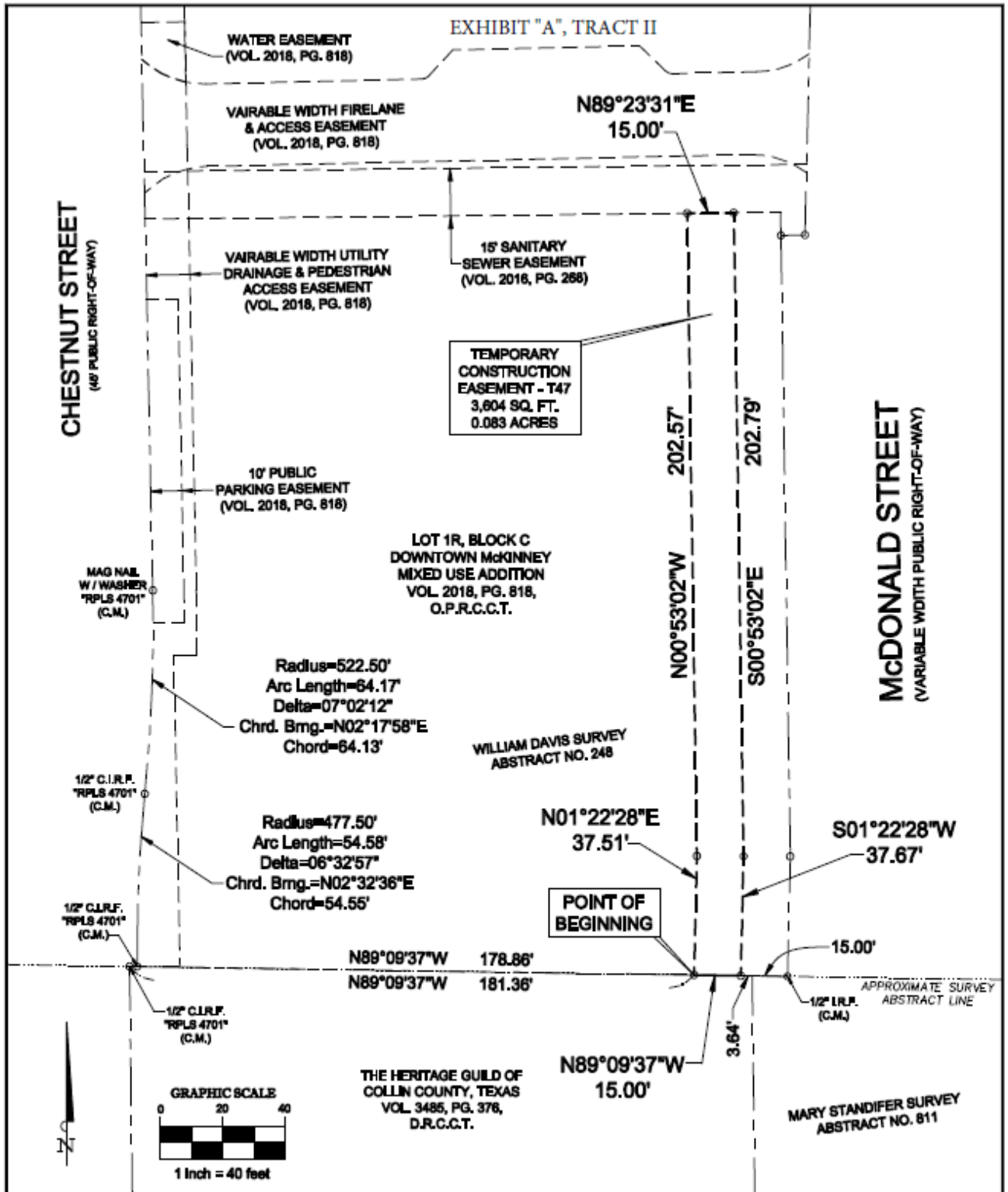
I.R.F. = Iron Rod Found
(R.M.) = Reference Monument
C.I.R.F. = Capped Iron Rod Found
M.R.C.C.T. = Map Records, Collin County, Texas
D.R.C.C.T. = Deed Records, Collin County, Texas
O.P.R.C.C.T. = Official Public Records, Collin County, Texas


M.B.A.



Bearings, elevations and coordinates (surface), 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.

DATE: 03/31/2021	15' TEMPORARY CONSTRUCTION EASEMENT - T47 0.083 ACRES IN THE WILLIAM DAVIS SURVEY ABSTRACT NO. 248 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS	 North Texas Surveying, L.L.C. 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
REVISED:		
SCALE: 1" = 40'		
CHK'D. BY: M.B.A.		
JOB NO.: 2020-0010		



DATE:	03/31/2021	15' TEMPORARY CONSTRUCTION EASEMENT - T47 0.083 ACRES IN THE WILLIAM DAVIS SURVEY ABSTRACT NO. 248 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.northtexasurveying.com Firm Registration No. 10074200
REVISED:			
SCALE:	1" = 40'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2020-0010		

