

**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 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 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' WATER EASEMENT - P54**  
**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 that tract of land, described by deed to Phil Young Properties, LLC, as recorded under Document No. 20160606000705460, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), same being a part of the **REPLAT OF PART OF BLOCK 79 ORIGINAL CITY OF MCKINNEY, TEXAS** (herein after referred to as **REPLAT**), an addition to the City of McKinney, as recorded in Volume F, Page 550, of the Map Records, Collin County, Texas (M.R.C.C.T.), said tract being more particularly described as follows:

**BEGINNING** at an "X" cut found for corner, being the northeasterly corner of said Phil Young Properties, LLC tract, same being at the intersection of the westerly monumented line of McDonald Street and the southerly monumented line of W. Walker Street;

**TBENCE** South 00°35'33" West, along said westerly monumented line of McDonald Street, a distance of 188.84' to a point for corner;

**TBENCE** South 44°36'39" West, over and across said Phil Young Properties, LLC tract, same being over and across said **REPLAT**, a distance of 16.09' to a point for corner, in the southerly line of said Phil Young Properties, LLC tract, same also being in the southerly line of said **REPLAT**, said corner also being in the northerly monumented line of Lamar Street, from which a 1/2" Iron rod with plastic cap stamped "CBG" found bears, North 88°35'26" East, a distance of 11.19';

**TBENCE** South 88°35'26" West, along the northerly monumented line of Lamar Street, a distance of 12.81' to a point for corner;

**TBENCE** over and across said Phil Young Properties, LLC, same being over and across said **REPLAT**, the following (3) three courses and distances:

1. North 00°00'00" West, a distance of 8.69' to a point for corner;
2. North 44°36'39" East, a distance of 13.06' to a point for corner;
3. North 00°35'33" East, a distance of 182.31' to a point for corner in the southerly monumented line of W. Walker Street, same being the northerly line of said Phil Young Properties, LLC tract;

**TBENCE** North 88°47'33" East, along the southerly monumented line of W. Walker Street, a distance of 15.01' to the **POINT OF BEGINNING** and containing 3,058 square feet or 0.070 acre of land, more or less.


**ABBREVIATIONS**

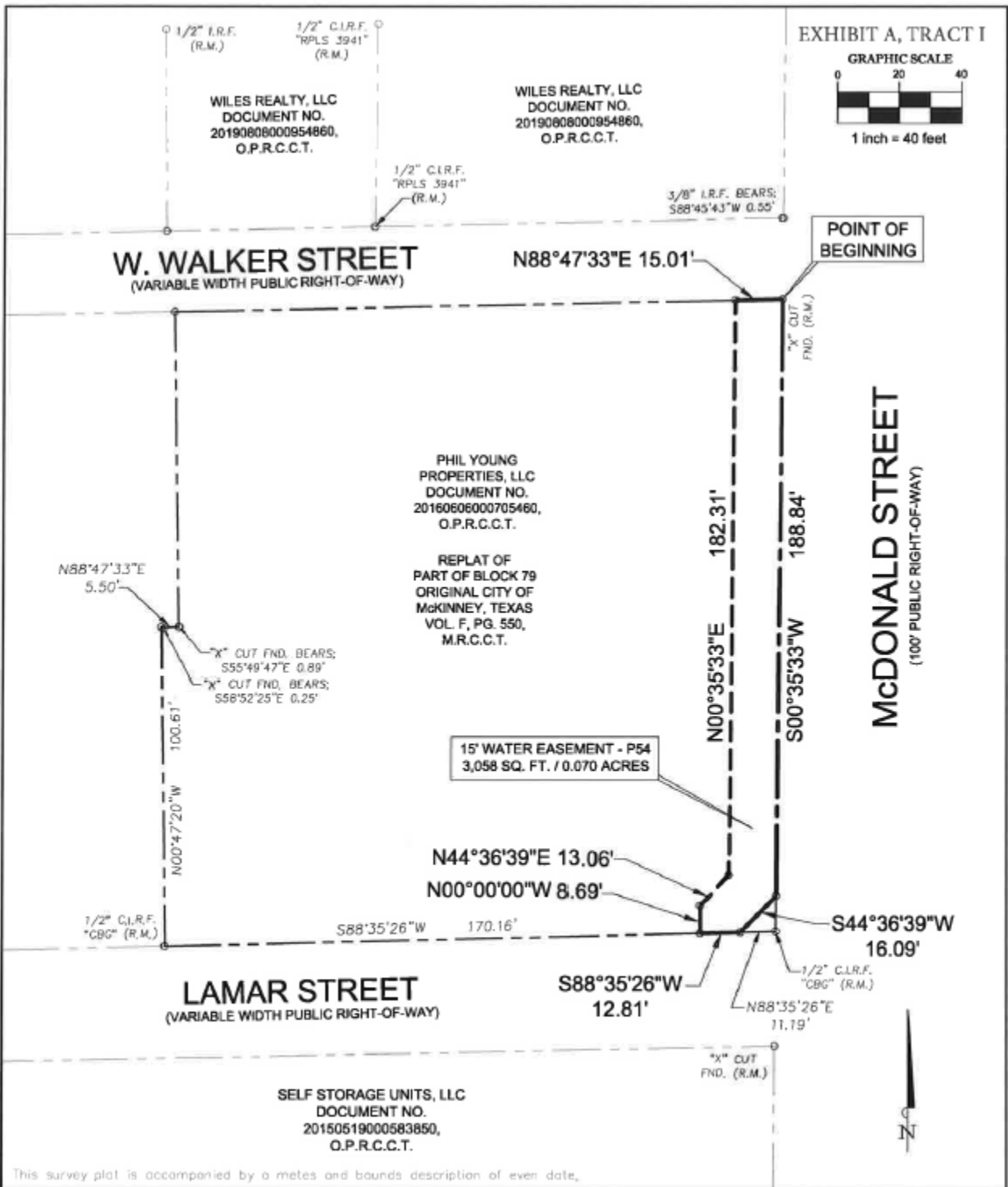
I.R.F. = Iron Rod Found
(R.M.) = Reference Monument
C.I.R.F. = Capped Iron Rod Found
M.R.C.C.T. = Map Records, Collin County, Texas
D.R.C.C.T. = Deed Records, Collin County, Texas
O.P.R.C.C.T. = Official Public Records, Collin County, Texas

*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. This metes and bounds description is accompanied by a survey plat of even date.

DATE:	04/26/2021	<b>15' WATER EASEMENT - P54</b> <b>0.070 ACRES IN THE</b> <b>WILLIAM DAVIS SURVEY</b> <b>ABSTRACT NO. 248</b> <b>CITY OF MCKINNEY,</b> <b>COLLIN COUNTY, TEXAS</b>	 <b>North Texas Surveying, L.L.C.</b> 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:	01/12/2023		
SCALE:	1" = 40'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2020-0010		




This survey plat is accompanied by a metes and bounds description of even date.

DATE:	04/26/2021
REVISED:	01/12/2023
SCALE:	1" = 40'
CHK'D. BY:	M.B.A.
JOB NO.:	2020-0010

**15' WATER EASEMENT - P54**  
0.070 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 - T58**  
**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 that tract of land, described by deed to Phil Young Properties, LLC, as recorded under Document No. 20160606000705460, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), same being a part of the **REPLAT OF PART OF BLOCK 79** (herein after referred to as **REPLAT**), an addition to the City of McKinney, as recorded in Volume F, Page 550, of the Map Records, Collin County, Texas (M.R.C.C.T.), said tract being more particularly described as follows:

**BEGINNING** at a point for corner in the southerly monumented line of W. Walker Street, same being in the northerly line of said Phil Young Properties, LLC tract, from which an "X" cut found for the northeasterly corner of said Phil Young Properties, LLC tract bears, North 88°47'33" East, a distance of 15.01';

**TBENCE** over and across said Phil Young Properties, LLC, same being over and across said **REPLAT**, the following (3) three courses and distances:

1. South 00°35'33" West, a distance of 182.31' to a point for corner;
2. South 44°36'39" West, a distance of 13.06' to a point for corner;
3. South 00°00'00" West, a distance of 8.69' to a point for corner, in the southerly line of said Phil Young Properties, LLC tract, same also being in the southerly line of said **REPLAT**, said corner also being in the northerly monumented line of Lamar Street, from which a 1/2" iron rod with plastic cap stamped "CBG" found bears, North 88°35'26" East, a distance of 24.00';

**TBENCE** South 88°35'26" West, along the northerly monumented line of Lamar Street, a distance of 15.00' to a point for corner;

**TBENCE** over and across said Phil Young Properties, LLC, same being over and across said **REPLAT**, the following (3) three courses and distances:

1. North 00°00'00" West, a distance of 15.21' to a point for corner;
2. North 44°36'39" East, a distance of 13.15' to a point for corner;
3. North 00°35'33" East, a distance of 175.78' to a point for corner in the southerly monumented line of W. Walker Street, same being the northerly line of said Phil Young Properties, LLC tract;

**TBENCE** North 88°47'33" East, along the southerly monumented line of W. Walker Street, a distance of 15.01' to the **POINT OF BEGINNING** and containing 3,061 square feet or 0.070 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. This metes and bounds description is accompanied by a survey plat of even date.

DATE: 04/26/2021	<b>15' TEMPORARY CONSTRUCTION  EASEMENT - T58</b> <b>0.070 ACRES IN THE  WILLIAM DAVIS SURVEY  ABSTRACT NO. 248</b> <b>CITY OF MCKINNEY,  COLLIN COUNTY, TEXAS</b>	 <b>North Texas Surveying, L.L.C.</b> 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: 01/12/2023		
SCALE: 1" = 40'		
CHECK'D. BY: M.B.A.		
JOB NO.: 2020-0010		





Document Path: Y:\GIS\Work\Projects\Map\Map\out\LocationMap\Loc\_Maps\Loc\_Maps\_McKinney\_08182023.aprx



## Location Map Exhibit "B"

Phill Young Properties, LLC  
Water Line and Temporary  
Construction Easements

Source: City of McKinney GIS  
Date: 9/18/2023



**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 = 80 ft  
0 40 80 Feet

