

RESOLUTION NO. 2024-02-____ (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 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 6th DAY OF FEBRUARY, 2024.

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"
VARIABLE WIDTH
WATER EASEMENT - P18
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS**

EXHIBIT A, TRACT I

Being a tract of land, situated in the Joab Butler Survey, Abstract No. 68 and the William Hemphill Survey, Abstract No. 449, in the City of McKinney, Collin County, Texas, and being a part of Lot 3R, Block A, of **THE GREENS OF MCKINNEY, SECTION 3**, an addition to the City of McKinney, as recorded in Volume O, Page 176, 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 in concrete found for the most easterly south corner of said Lot 3R, same being the most westerly corner 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 corner also being in the northeasterly line of Lot 2R2, Block A, of said **MERIDIAN AT SOUTHGATE 3**;

THENCE North 40°05'37" West, along the common line between said Lot 3R and Lot 2R2, a distance of 30.00' to a point for corner;

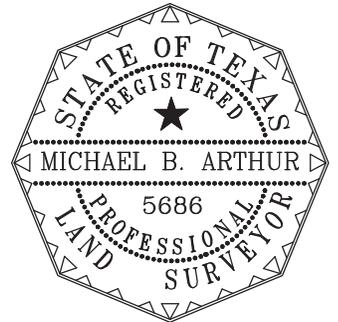
THENCE over and across said Lot 3R, the following (3) three courses and distances:

1. North 49°56'20" East, a distance of 7.05' to a point for corner;
2. South 39°08'20" East, a distance of 5.00' to a point for corner;
3. North 49°56'20" East, a distance of 80.26' to a point for corner, in the common line between said Lot 3R and CA-B1, Block B;

THENCE South 40°03'40" East, along last said common line, a distance of 25.00' to a point for corner;

THENCE South 49°56'20" West, over and across said Lot 3R, a distance of 87.21' to the **POINT OF BEGINNING** and containing 2,216 square feet or 0.051 acres of land, more or less.

M.B.A.



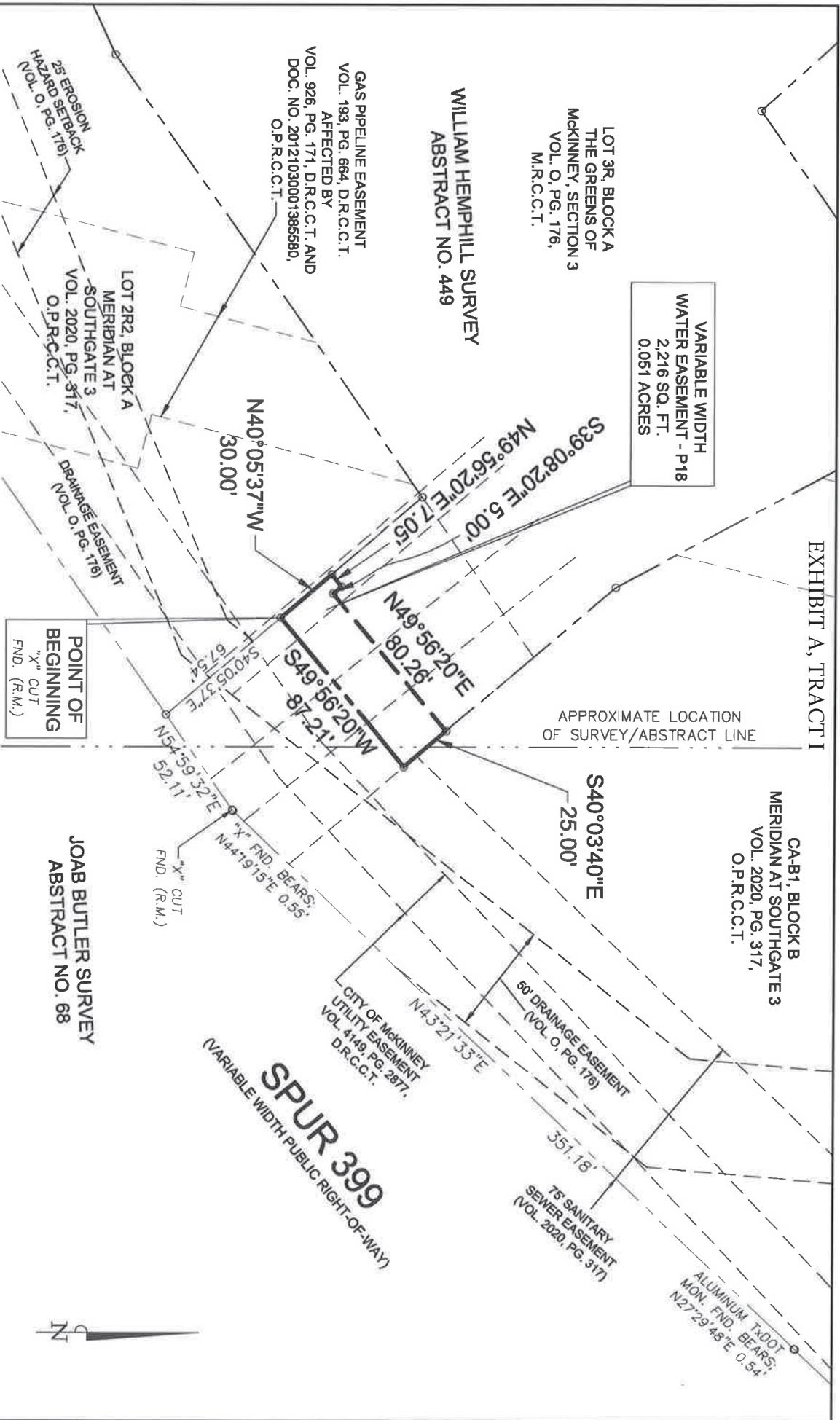
ABBREVIATIONS

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 plat of even date.

DATE:	04/15/2022	VARIABLE WIDTH WATER EASEMENT - P18 JOAB BUTLER SURVEY ABSTRACT NO. 68 AND THE WILLIAM HEMPHILL SURVEY ABSTRACT NO. 449 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:	09/29/2023		
SCALE:	1" = 60'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2020-0010		

EXHIBIT A, TRACT I



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VARIABLE WIDTH WATER EASEMENT - P18
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ABSTRACT NO. 68 AND THE
WILLIAM HEMPHILL SURVEY
ABSTRACT NO. 449
CITY OF MCKINNEY,
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EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT - T22
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

EXHIBIT A, TRACT II

Being a tract of land, situated in the Joab Butler Survey, Abstract No. 68 and the William Hemphill Survey, Abstract No. 449, in the City of McKinney, Collin County, Texas, and being a part 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.), said tract being more particularly described as follows:

BEGINNING at a point for corner, being in the most easterly southwest line of said Lot 3R, same being in the most easterly northeast line of Lot 2R2, Block A, 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.), from which an "X" cut in concrete found for the most easterly south corner of said Lot 3R bears, South 40°05'37" East, a distance of 30.00';

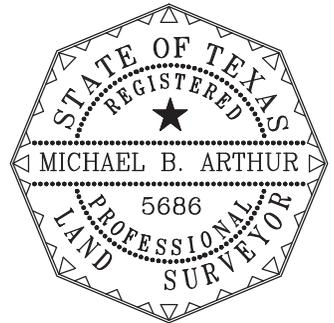
THENCE North 40°05'37" West, along the common line between said Lot 3R and Lot 2R2, a distance of 10.00' to a point for corner;

THENCE North 49°56'20" East, over and across said Lot 3R, a distance of 87.23' to a point for corner, being in the common line between said Lot 3R and CA-B1, Block B, of said **MERIDIAN AT SOUTHGATE 3**;

THENCE South 40°03'40" East, along last said common line, a distance of 15.00' to a point for corner;

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

1. South 49°56'20" West, a distance of 80.26' to a point for corner;
2. North 39°08'20" West, a distance of 5.00' to a point for corner;
3. South 49°56'20" West, a distance of 7.05' to the **POINT OF BEGINNING** and containing 1,273 square feet or 0.029 acres of land, more or less.

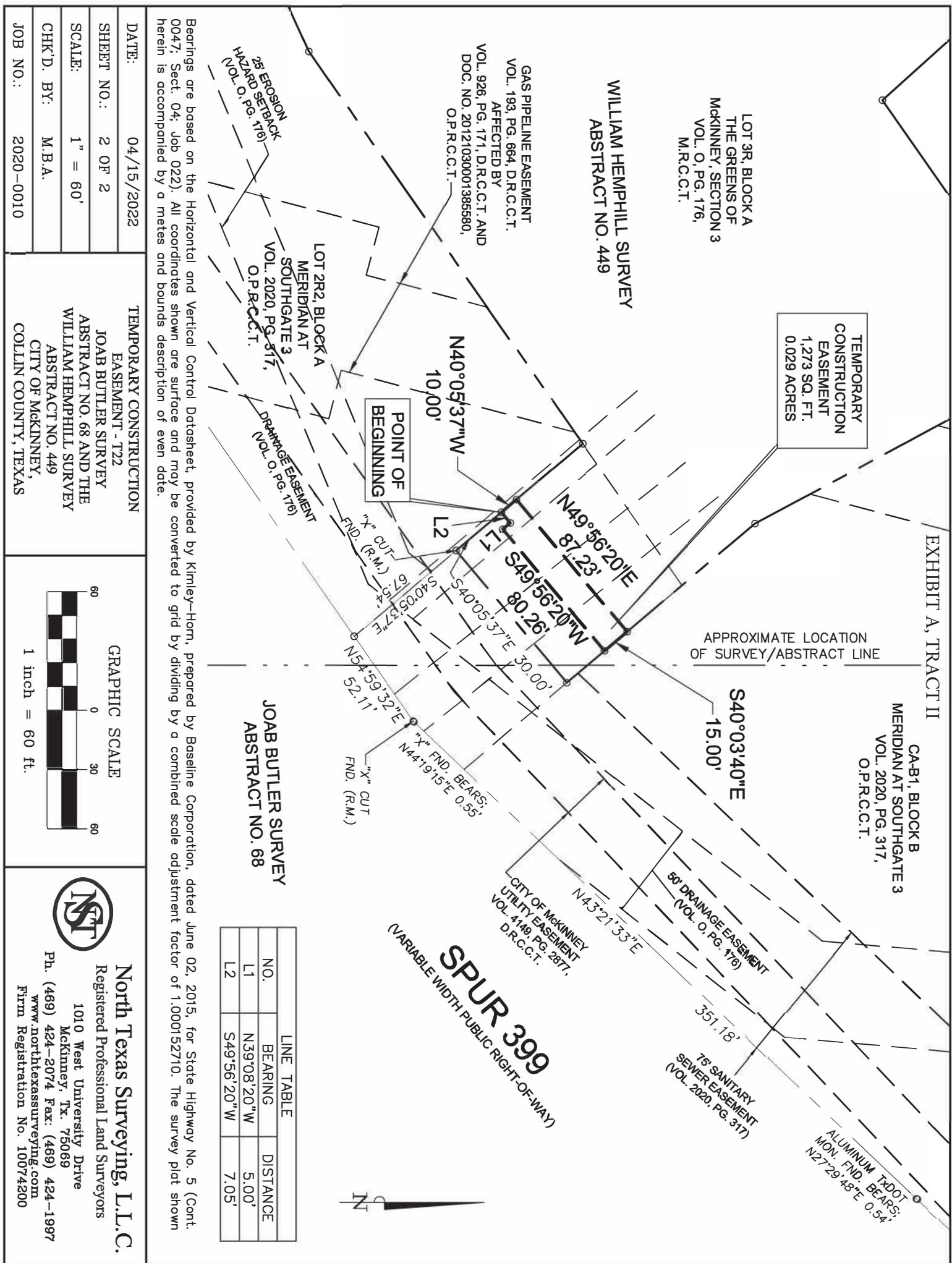


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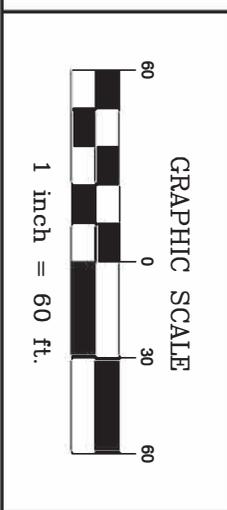
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SHEET NO.:	1 OF 2		
SCALE:	1" = 60'		
CHK'D. BY:	M.B.A.		
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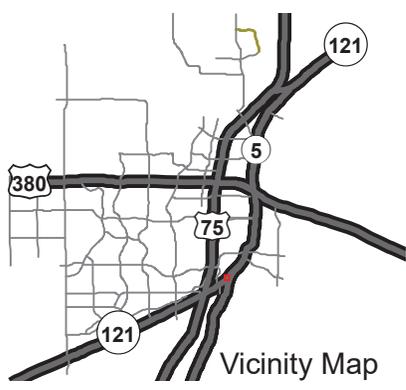
DATE: 04/15/2022
 SHEET NO.: 2 OF 2
 SCALE: 1" = 60'
 CHK'D. BY: M.B.A.
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TEMPORARY CONSTRUCTION EASEMENT - T22
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 ABSTRACT NO. 68 AND THE
 WILLIAM HEMPHILL SURVEY
 ABSTRACT NO. 449
 CITY OF MCKINNEY,
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Vicinity Map

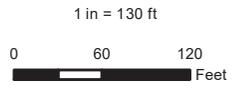
Location Map

Exhibit "B"

KV Fairways Owner, LLC

Water Line Easement and

Temporary Construction Easement



DISCLAIMER: This map an information contained in it wet 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 r McKinney, its officials or employe for any discrepancies, error: or variances which may exis



Source: City of McKinney GIS
Date: 1/19/2024