RESOLUTION NO. 2022-07-____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE EXECUTION OF DOCUMENTS FOR THE ACQUISITION OF PROPERTY EASEMENT RIGHTS NECESSARY FOR THE CONSTRUCTION OF A WATER LINE GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF STATE HIGHWAY 75 AND BLOOMDALE ROAD; AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS FOR THE ACQUISITION OF EASEMENTS; AUTHORIZING THE CITY MANAGER OF THE CITY OF McKINNEY, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AND AUTHORIZING THE CITY MANAGER THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY 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 a Water line generally located near the Northeast Corner of State Highway 75 and Bloomdale Road, the location of which is generally set forth on the map attached hereto as Exhibit A; and
- WHEREAS, the City Council has considered this project and has determined that a public necessity exists for this project and the need for the acquisition of certain property easement rights as described and depicted in Exhibit B, Tract 1, Tract 2 and Tract 3 attached hereto and incorporated herein for all purposes (" Property").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, THAT:

- 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, or his designee, to execute documents, as needed, to acquire the necessary easements for the construction of a Water line generally commencing near the Northeast Corner of State Highway 75 and Bloomdale Road.
- 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 a Water line generally commencing west of Bois near the Northeast Corner of State Highway 75 and Bloomdale Road and to acquire the necessary property rights in those certain tracts or parcels of land deemed necessary for that construction as identified in the alignment and profiles, as amended, together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land, as described and depicted in Exhibit B, Tract 1, Tract 2 and Tract 3.

- Section 4. That the City Manager, or his designee, is authorized and directed to negotiate for and to acquire the required property rights for the City of McKinney, and to acquire said rights in compliance with State and Federal law. That the City Manager, or his designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights 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 and, where necessary, the use of Eminent Domain to condemn property, subject to the availability of funds appropriated by the City Council for such purpose.
- Section 5. That the City Manager, or his designee, is specifically authorized to establish the just compensation for the acquisition of this property.
- Section 6. 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 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 19th DAY OF JULY 2022.

GEORGE C. FULLER Mayor

CITY OF McKINNEY, TEXAS

ATTEST:

EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER

City Attorney

EXHIBIT "A" Location Map

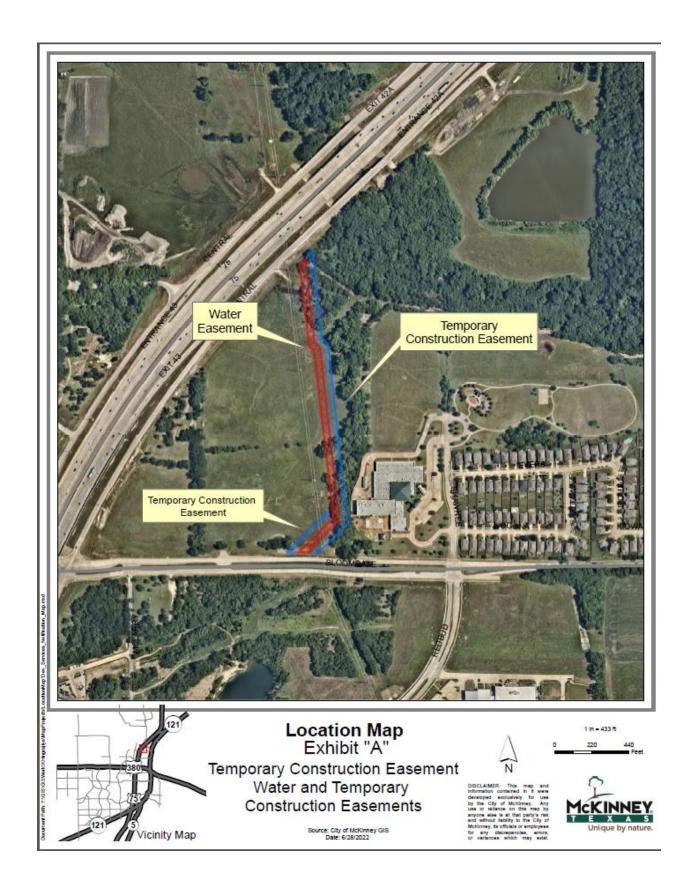


EXHIBIT "B"

Exhibit "B"

TRACT 1

BEING a tract of land situated in the Meredith Hart Survey, Abstract No. 371, City of McKinney, Collin County, Texas, and being a portion of Lot 2, Block A, Poguerosa Addition, an Addition to the City of McKinney, Collin County, Texas, according to the Conveyance Plat, thereof recorded in Volume 2012, Page 229, of the Plat Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod with plastic cap stamped "Pogue Eng & Dev" found for the southeast corner of said Lot 2, Block A, being on the current northerly right of way line of Bloomdale Road, a variable width public right of way, and the westerly line of a called 10.00 acre tract of land described in a deed to McKinney Independent School District, as recorded in Volume 5555, Page 5133 of the Land Records of Collin County, Texas;

THENCE departing the westerly line of said 10.00 acre tract, along the southerly line of said Lot 2 and the current northerly right of way line of said Bloomdale Road, the following courses and distances:

North 89°21'53" West, a distance of 24.71 feet to a point at the beginning of a non-tangent curve to the right having a central angle of 02°06'18", a radius of 1740.00 feet, a chord bearing and distance of North 87"51'08" West, 63.92 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 63.93 feet to a point for corner, from which, a 1/2 inch iron rod with plastic cap stamped "Pogue Eng. & Dev" found for witness bears North 53°07" East, 0.2 feet;

North 86°47'59" West, a distance of 98.28 feet to a point at the beginning of a tangent curve to the left having a central angle of 00°13'47", a radius of 1860.00 feet, a chord bearing and distance of North 86°54'53" West, 7.46 feet, from which, a 1/2 inch iron rod with plastic cap stamped "Pogue Eng. & Dev" found for witness bears North 09°34' East, 0.2 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 7.46 feet to a point for the **POINT OF BEGINNING** of the herein described easement tract:

THENCE in a northwesterly direction continuing along the southerly line of said Lot 2 and the current northerly right of way line of said Bloomdale Road, with said curve to the left, having a central angle of 00*33'21*, a radius of 1860.00 feet, a chord bearing and distance of North 87*19'19" West, 18.04 feet, and an arc distance of 18.04 feet to a point for corner;

THENCE departing the southerly line of said Lot 2 and the northerly right of way line of said Bloomdale Road, and crossing said Lot 2, the following courses and distances:

North 00°04'45" East, a distance of 9.44 feet to a point for corner;

North 45°04'45" East, a distance of 160.13 feet to a point for corner;

North 07°13'26" West, a distance of 37.91 feet to a point for corner;

North 45°04'45" East, a distance of 44.23 feet to a point for corner; North 07°13'26" West, a distance of 1025.98 feet to a point for corner;

North 47°13'58" West, a distance of 46.66 feet to a point for corner;

North 07°13'26" West, a distance of 384.20 feet to a point for corner; North 43°29'17" East, a distance of 64.60 feet to a point for corner;

South 07°13'26" East, a distance of 406.91 feet to a point for corner;

VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENTS

MEREDITH HART SURVEY, ABSTRACT NO. 371 COLLIN COUNTY, TEXAS



GUNAWAN, SYLVIANA 8/21/29/2 2:40 PM K-FRI_SURVEY/088150000-TRINITY FALLS-DWG/EAST FEED MCLARRY LINE/SEPERATE INSTRUMENTS/NEW ESMTS/POGUEROSA ADDITION/088150000 POGUEROSA ADDITION T.C.E., #2.DWG South 47°13'58" East, a distance of 46.66 feet to a point for corner;

South 07°13'26" East, a distance of 1068.73 feet to a point for corner;

South 45°04'45" West, a distance of 246.61 feet to the **POINT OF BEGINNING** and containing 1.867 acres (81,348 square feet) of land, more or less.

TRACT 2

BEING a tract of land situated in the Meredith Hart Survey, Abstract No. 371, City of McKinney, Collin County, Texas, and being a portion of Lot 2, Block A, Poguerosa Addition, an Addition to the City of McKinney, Collin County, Texas, according to the Conveyance Plat, thereof recorded in Volume 2012, Page 229, of the Plat Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod with plastic cap stamped "Pogue Eng & Dev" found for the southeast corner of said Lot 2, Block A, being on the current northerly right of way line of Bloomdale Road, a variable width public right of way, and the westerly line of a called 10.00 acre tract of land described in a deed to McKinney Independent School District, as recorded in Volume 5555, Page 5133 of the Land Records of Collin County, Texas;

THENCE departing the westerly line of said 10.00 acre tract, along the southerly line of said Lot 2 and the current northerly right of way line of said Bloomdale Road, the following courses and distances:

North 89°21'53" West, a distance of 24.71 feet to a point at the beginning of a non-tangent curve to the right having a central angle of 02°06'18", a radius of 1740.00 feet, a chord bearing and distance of North 87°51'08" West, 63.92 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 63.93 feet to a point for corner, from which, a 1/2 inch iron rod with plastic cap stamped "Pogue Eng. & Dev" found for witness bears North 53°07' East, 0.2 feet;

North 86°47"59" West, a distance of 98.28 feet to a point at the beginning of a tangent curve to the left having a central angle of 03°51"57", a radius of 1860.00 feet, a chord bearing and distance of North 88°43'58" West, 125.48 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 125.50 feet to a point for the **POINT OF BEGINNING** of the herein described easement tract:

THENCE in a southerly direction, continuing along the southerly line of said Lot 2 and the current northerly right of way line of said Bloomdale Road, with said curve to the left, having a central angle of 00°04′42″, a radius of 1860.00 feet, a chord bearing and distance of South 89°17'34″ West, 2.54 feet and an arc distance of 2.54 feet to a 1/2 inch iron rod with plastic cap stamped "Pogue Eng. & Dev" found for corner:

THENCE South 89°15'21" West, continuing along the southerly line of said Lot 2 and the current northerly right of way line of said Bloomdale Road, a distance of 69.21 feet to a point for corner;

THENCE departing the southerly line of said Lot 2 and the northerly right of way line of said Bloomdale Road, and crossing said Lot 2, the following courses and distances:

North 45°04'45" East, a distance of 338.93 feet to a point for corner;

South 07°13'26" East, a distance of 63,19 feet to a point for corner;

South 45°04'45" West, a distance of 248.84 feet to a point for corner; to the **POINT OF BEGINNING** and containing 0.337 of an acre (14,694 square feet) of land, more or less.

SYLVIANA GUNAWIN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6461
6160 WARREN PKWY., SUITE 210
FRISCO, TEXAS 75034
PH. 972-335-3580
sylviana.gunawan@kimley-horn.com



VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENTS

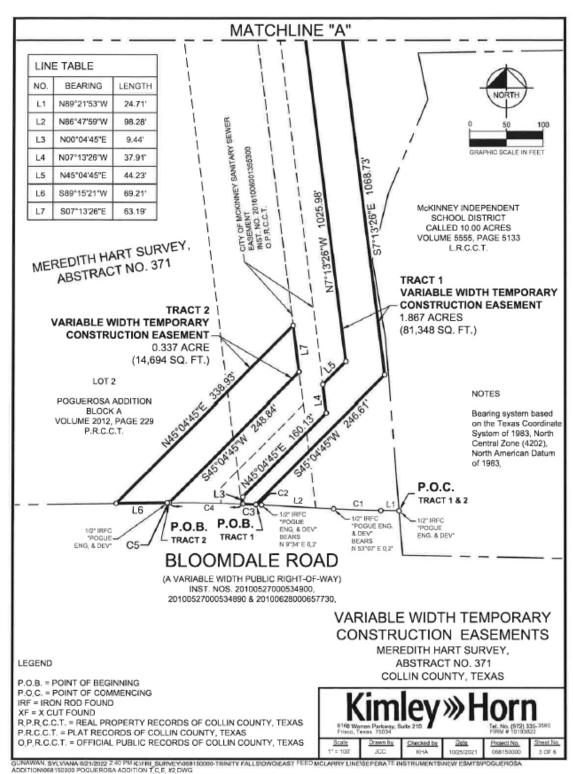
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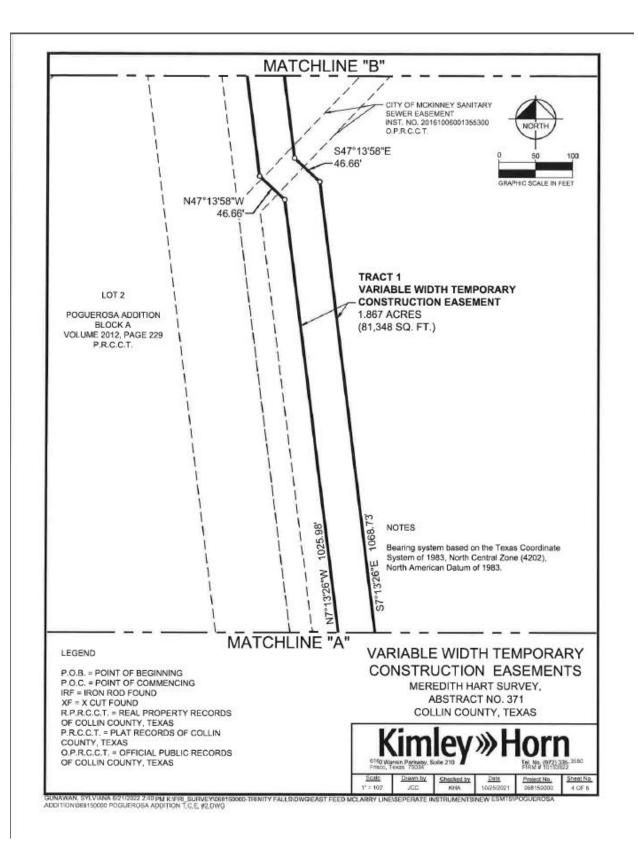
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Frisco, Taxasi 75034

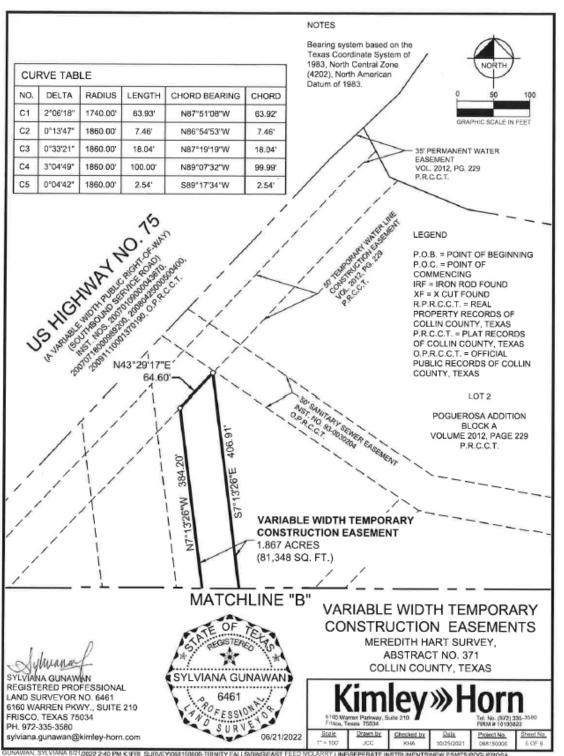
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VICINITY MAP



VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENTS

MEREDITH HART SURVEY, ABSTRACT NO. 371 COLLIN COUNTY, TEXAS



Exhibit "B"

Tract 3

BEING a tract of land situated in the Meredith Hart Survey, Abstract No. 371, City of McKinney, Collin County, Texas, and being a portion of Lot 2, Block A, Poguerosa Addition, an Addition to the City of McKinney, Collin County, Texas, according to the Conveyance Plat, thereof recorded in Volume 2012, Page 229, of the Plat Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 iron iron rod with plastic cap stamped "Pogue Eng & Dev" found for the southeast corner of said Lot 2, Block A, being on the current northerly right of way line of Bloomdale Road, a variable width right of way, and the westerly line of a called 10.00 acre tract of land described in a deed to McKinney Independent School District, as recorded in Volume 5555, Page 5133 of the Land Records of Collin County, Texas;

THENCE departing the westerly line of said 10.00 acre tract, along the southerly line of said Lot 2 and the northerly right of way line of said Bloomdale Road, the following courses and distances:

North 89°21'53" West, a distance of 24.71 feet to a point at the beginning of a non-tangent curve to the right having a central angle of 2°06'18", a radius of 1740.00 feet, a chord bearing and distance of North 87°51'08" West, 63.92 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 63.93 feet to a point for corner, from which, a 1/2 inch iron rod with plastic cap stamped "Pogue Eng. & Dev" found for witness bears North 53"07" East, 0.2 feet;

North 86°47'59" West, a distance of 98.28 feet to a point at the beginning of a tangent curve to the left having a central angle of 01°42'37", a radius of 1860.00 feet, a chord bearing and distance of North 87°39'18" West, 55.52 feet, from which, a 1/2 inch iron rod with plastic cap stamped "Pogue Eng. & Dev" found for witness bears North 9°34' East, 0.2 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 55.52 feet to the **POINT OF BEGINNING** of the herein described easement tract:

THENCE in a southerly direction, continuing along the southerly line of said Lot 2 and the northerly right of way line of said Bloomdale Road, with said non-tangent curve to the left, with a radius of 1,860.00 feet, a central angle of 02°09'20", and a chord bearing and distance of North 89°35'17" West, 69.98 feet and an arc distance of 69.98 feet to a point for corner;

THENCE departing the southerly line of said Lot 2 and the northerly right of way line of said Bloomdale Road, and crossing said Lot 2, the following courses and distances:

North 45°04'45" East, a distance of 286.75 feet to a point for corner;

North 07°13'26" West, a distance of 996.05 feet to a point for corner;

35' WATER EASEMENT MEREDITH HART SURVEY, ABSTRACT NO. 371 COLLIN COUNTY, TEXAS



North 47°13'58" West, a distance of 46.66 feet to a point for corner;

North 07°13'26" West, a distance of 432.91 feet to a point for corner;

North 43°29'17" East, a distance of 45.22 feet to a point for corner;

South 07°13'26" East, a distance of 448.80 feet to a point for corner;

South 47°13'58" East, a distance of 46.66 feet to a point for corner;

South 07°13'26" East, a distance of 1025.98 feet to a point for corner

South 45°04'45" West, a distance of 239.97 feet to a point for corner;

South 00°04'51" West, a distance of 20.88 feet to the **POINT OF BEGINNING** and containing 1.432 acres (62,382 square feet) of land, more or less.

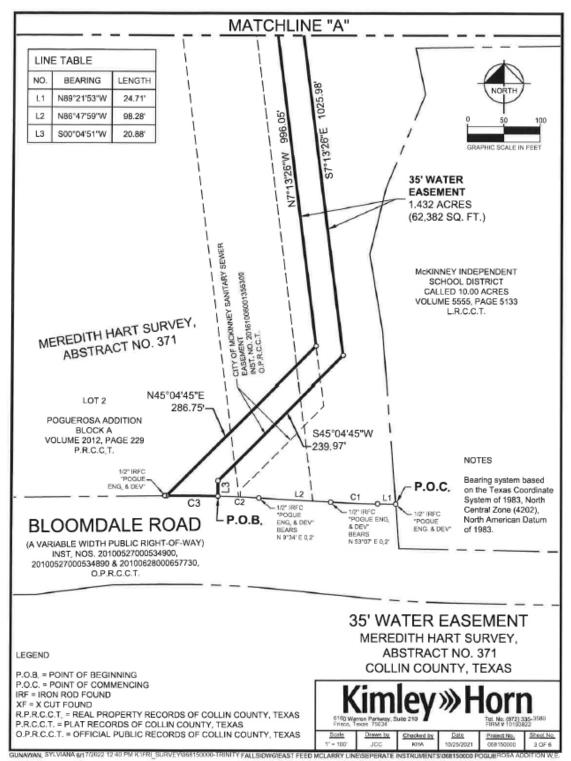
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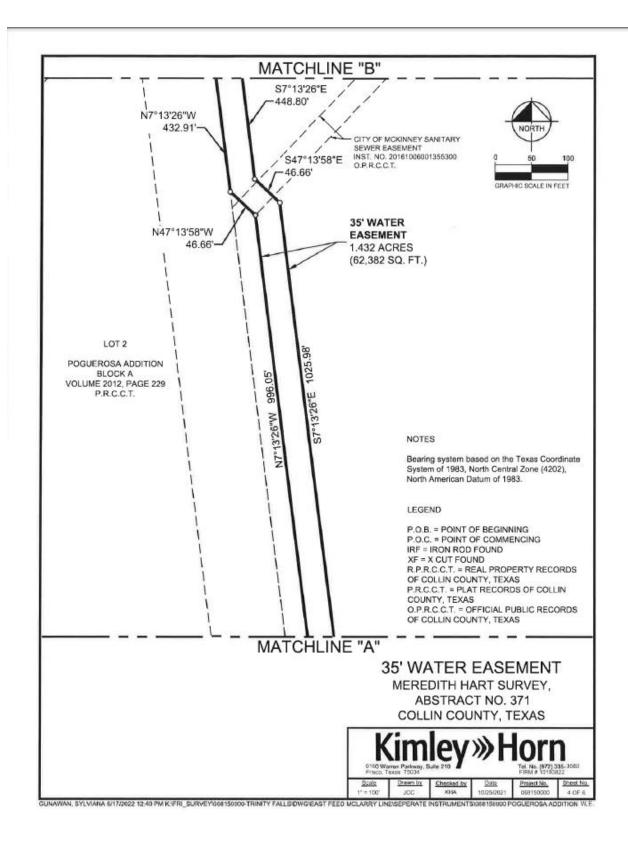


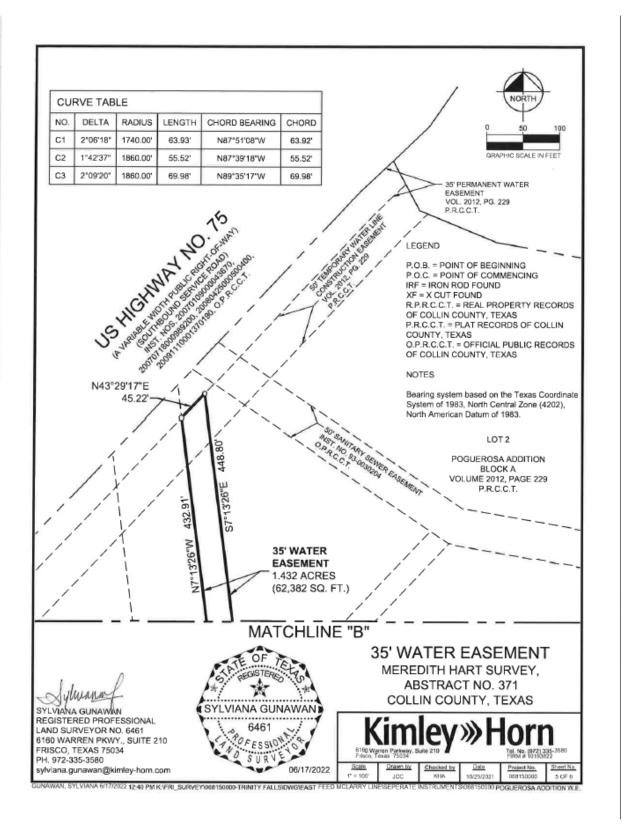
35' WATER EASEMENT MEREDITH HART SURVEY, ABSTRACT NO. 371 COLLIN COUNTY, TEXAS

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VICINITY MAP

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35' WATER EASEMENT

MEREDITH HART SURVEY, ABSTRACT NO. 371 COLLIN COUNTY, TEXAS



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