

RESOLUTION NO. 2023-11-____ (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 & SANITARY SEWER 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 & Sanitary Sewer 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 7th DAY OF NOVEMBER, 2023.

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 AND
SANITARY SEWER EASEMENT - P29
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

EXHIBIT A, TRACT I

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 1R, Block A, of **RACETRAC 744 ADDITION**, an addition to the City of McKinney, as recorded in Volume 2020, Page 17, 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 with a plastic cap stamped "SPIARS" found for the northeasterly corner of said Lot 1R, same being in the southerly line of Lot 5, Block A, of **ASLAM ADDITION**, an addition to the City of McKinney, as recorded in Volume 2015, Page 73, O.P.R.C.C.T., same being an "ell" corner of McDonald Street;

THENCE South 11°53'31" West, along the easterly line of said Lot 1R, same being the westerly monumented line of McDonald Street, a distance of 99.75' to a point for corner, being at the beginning of a curve to the left, having a radius of 1067.00', a central angle of 09°47'05" West, and a chord which bears, South 17°50'12" West, a chord distance of 182.00';

Thence along said curve to the left, in a southwesterly direction, over and across said Lot 1R, an arc length of 182.22' to a point for corner;

THENCE South 12°14'54" West, continuing over and across said Lot 1R, a distance of 105.77' to a point for corner, being in the northwesterly line of a corner clip at the northwesterly intersection of McDonald Street and Eldorado Parkway;

THENCE South 51°04'23" West, along said corner clip, a distance of 15.63' to a 1/2" iron rod found for the southwesterly end of said corner clip, same being in the northerly monumented line of Eldorado Parkway;

THENCE North 89°44'44" West, along said northerly monumented line of Eldorado Parkway, a distance of 31.84' to a point for corner;

THENCE over and across said Lot 1R, the following (6) six courses and distances:

1. North 23°15'29" East, a distance of 24.62' to a point for corner;
2. North 00°46'14" East, a distance of 8.84' to a point for corner;
3. North 47°32'56" East, a distance of 39.74' to a point for corner;
4. North 12°18'23" East, a distance of 61.13' to a point for corner, said corner being at the beginning of a curve to the right, having a radius of 1082.41', a central angle of 08°05'37", which a chord bears, North 17°04'49" East, a chord distance of 152.77';
5. Thence along said curve to the right, in a northeasterly direction, an arc length of 152.90' to a point for corner;
6. North 11°53'31" East, a distance of 122.49' to a point for corner in the northerly line of said Lot 1R, same being in the southerly line of the aforementioned Lot 5;

THENCE South 89°59'59" East, along the common line between said Lot 1R and Lot 5, a distance of 20.44' to the **POINT OF BEGINNING** and containing 7,523 square feet or 0.173 acre of land, more or less.

ABBREVIATIONS

I.R.F. = Iron Rod Found	M.R.C.C.T. = Map Records, Collin County, Texas
(R.M.) = Reference Monument	D.R.C.C.T. = Deed Records, Collin County, Texas
C.I.R.F. = Capped Iron Rod Found	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: 02/15/2022	VARIABLE WIDTH WATER AND SANITARY SEWER EASEMENT - P29 0.173 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) 424-1997 www.northtexassurveying.com Firm Registration No. 10074200
REVISED: 01/13/2023		
SCALE: 1" = 60'		
CHK'D. BY: M.B.A.		
JOB NO.: 2020-0010		

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

EXHIBIT A, TRACT I

LINE TABLE		
NO.	BEARING	DISTANCE
L1	N23°15'29"E	24.62'
L2	N00°46'14"E	8.84'

LOT 5, BLOCK A
ASLAM ADDITION
VOL. 2015, PG. 73,
O.P.R.C.C.T.

20' SANITARY
SEWER EASEMENT
(VOL. 2006, PG. 84)

FIRELANE EASEMENT
(VOL. 2015, PG. 73)

10' UTILITY EASEMENT
VOL. 1585, PG. 606,
D.R.C.C.T.

S89°59'59"E
20.44'

N89°59'59"W 201.61'

POINT OF BEGINNING
1/2" C.I.R.F.
"SPIARS" (R.M.)

LOT 2, BLOCK A
WIDEMAN WAY ADDITION
VOL. 2013, PG. 152,
O.P.R.C.C.T.

N11°53'31"E 122.49'

FIRE LANE EASEMENT
(VOL. 2020, PG. 17)

McDONALD STREET
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

24' ACCESS EASEMENT
(VOL. 2006, PG. 84)

S11°53'31"W 99.75'

LOT 1R, BLOCK A
RACETRAC 744 ADDITION
VOL. 2020, PG. 17,
O.P.R.C.C.T.

Radius=1082.41'
Arc Length=152.90'
Delta=08°05'37"
Chrd. Brng.=N17°04'49"E
Chord=152.77'

Radius=1067.00'
Arc Length=182.22'
Delta=09°47'05"
Chrd. Brng.=S17°50'12"W
Chord=182.00'

LOT 1, BLOCK A
WIDEMAN WAY ADDITION
VOL. 2013, PG. 152,
O.P.R.C.C.T.

Radius=1120.00'
Arc Length=148.41'
Delta=07°35'32"
Chrd. Brng.=S86°27'32"W
Chord=148.30'

24' FIRE LANE EASEMENT
(VOL. 2020, PG. 17)

N12°18'23"E
61.13'

10' SANITARY
SEWER EASEMENT
(VOL. 2006, PG. 84)

VARIABLE WIDTH WATER
AND SANITARY SEWER EASEMENT
7,523 SQ. FT. / 0.173 ACRES

N47°32'56"E
39.74'

S12°14'54"W 105.77'

5/8" C.I.R.F.
"JDJR" (R.M.)

TRACT FOUR
UTILITY EASEMENT
VOL. 3405, PG. 468,
D.R.C.C.T.

1/2" I.R.F. BEARS;
S11°11'03"E 0.21'

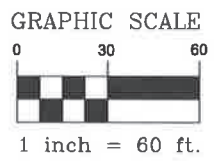
TRACT THREE
UTILITY EASEMENT
VOL. 3405, PG. 468,
D.R.C.C.T.

1/2" I.R.F.
(R.M.)

S51°04'23"W
15.63'

N89°44'44"W
31.84'

ELDORADO PARKWAY
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)



DATE:	02/15/2022
REVISED:	01/13/2023
SCALE:	1" = 60'
CHK'D. BY:	M.B.A.
JOB NO.:	2020-0010

VARIABLE WIDTH WATER AND
SANITARY SEWER EASEMENT - P29
0.173 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) 424-1997
www.northtexassurveying.com
Firm Registration No. 10074200

EXHIBIT "A"
TEMPORARY CONSTRUCTION
EASEMENT - T34A
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

EXHIBIT A, TRACT II

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 1R, Block A, of **RACETRAC 744 ADDITION**, an addition to the City of McKinney, as recorded in Volume 2020, Page 17, 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 at the southwesterly end of a corner clip at the northwesterly intersection of Eldorado Parkway and McDonald Street, same being in the southerly line of said Lot 1R;

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

1. North 12°14'54" East, a distance of 105.87' to a point for corner, being at the beginning of a curve to the right, having a radius of 1122.21', a central angle of 09°24'28", and a chord which bears, North 17°46'12" East, a chord distance of 184.05';

2. Thence along said curve to the right, in a northeasterly direction, an arc length of 184.26' to a point for corner;

3. South 11°53'31" West, a distance of 265.02' to a point for corner, being in the aforementioned corner clip at the northwesterly intersection of Eldorado Parkway and McDonald Street;

THENCE South 51°04'23" West, along said corner clip, a distance of 30.88' to the **POINT OF BEGINNING** and containing 3,987 square feet or 0.092 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:	04/03/2023	TEMPORARY CONSTRUCTION EASEMENT - T34A 0.092 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) 424-1997 www.northtexassurveying.com Firm Registration No. 10074200
REVISED:			
SCALE:	1" = 60'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2020-0010		

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

EXHIBIT A, TRACT II

LOT 5, BLOCK A
ASLAM ADDITION
VOL. 2015, PG. 73,
O.P.R.C.C.T.

20' SANITARY
SEWER EASEMENT
(VOL. 2006, PG. 84)

FIRELANE EASEMENT
(VOL. 2015, PG. 73)

10' UTILITY EASEMENT
VOL. 1595, PG. 606,
D.R.C.C.T.

N89°59'59"W 222.05'

33.06'

1/2" I.R.F.
(R.M.)

1/2" C.I.R.F.
"SPIARS" (R.M.)

FIRE LANE EASEMENT
(VOL. 2020, PG. 17)

LOT 2, BLOCK A
WIDEMAN WAY ADDITION
VOL. 2013, PG. 152,
O.P.R.C.C.T.

10' SANITARY
SEWER EASEMENT
(VOL. 2006, PG. 84)

LOT 1R, BLOCK A
RACETRAC 744 ADDITION
VOL. 2020, PG. 17,
O.P.R.C.C.T.

24' ACCESS EASEMENT
(VOL. 2006, PG. 84)

LOT 1, BLOCK A
WIDEMAN WAY ADDITION
VOL. 2013, PG. 152,
O.P.R.C.C.T.

MCDONALD STREET
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

N11°38'16"E
274.07'

Radius=1120.00'
Arc Length=148.41'
Delta=07°35'32"
Chrd. Brng.=S86°27'32"W
Chord=148.30'

24' FIRE LANE EASEMENT
(VOL. 2020, PG. 17)

Radius=1122.21'
Arc Length=184.26'
Delta=09°24'28"
Chrd. Brng.=N17°46'12"E
Chord=184.05'

362.61'

N11°53'31"E

S11°53'31"W
265.02'

N12°14'54"E
105.87'

TEMPORARY CONSTRUCTION
EASEMENT - T34A
3,987 SQ. FT. / 0.092 ACRES

5/8" C.I.R.F.
"JDJR" (R.M.)

1/2" I.R.F.
(R.M.)

TRACT FOUR
UTILITY EASEMENT
VOL. 3405, PG. 468,
D.R.C.C.T.

1/2" I.R.F. BEARS;
S11°11'03"E 0.21'

N89°44'44"W
65.61'

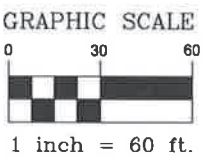
TRACT THREE
UTILITY EASEMENT
VOL. 3405, PG. 468,
D.R.C.C.T.

POINT OF
BEGINNING
1/2" I.R.F. (R.M.)

N51°04'23"E 15.83'


S51°04'23"W 30.88'

ELDORADO PARKWAY
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

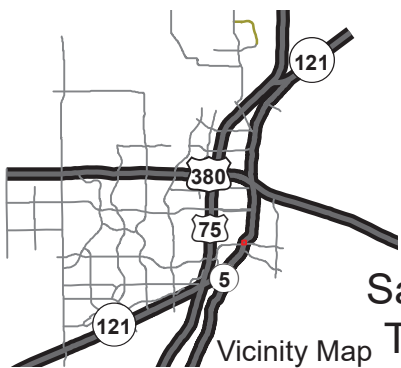


DATE:	04/03/2023
REVISED:	
SCALE:	1" = 60'
CHK'D. BY:	M.B.A.
JOB NO.:	2020-0010

TEMPORARY CONSTRUCTION
EASEMENT - T34A
0.092 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) 424-1997
www.northtexassurveying.com
Firm Registration No. 10074200



Location Map

Exhibit "B" RaceTrac Petroleum, Inc. Water Line & Sanitary Sewer Line Easement and Temporary Construction Easement

Source: City of McKinney GIS
Date: 10/13/2023



1 in = 82 ft
0 40 80 Feet

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.

