

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 EASEMENT ASSOCIATED WITH THE SH 5 UTILITY RELOCATION PROJECT (WA1633 & WW1633); AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING SAID EASEMENT, 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 this necessary easement 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, as described and depicted in Exhibit A, 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.

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"
15' WATER EASEMENT - P06
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

Being a tract of land, situated in the Joab Butler Survey, Abstract No. 68, in the City of McKinney, Collin County, Texas, and being a part of Lot 2R, Block A, of **CRESTSTONE ADDITION**, an addition to the City of McKinney, as recorded in Volume 2018, Page 419, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said tract being more particularly described as follows:

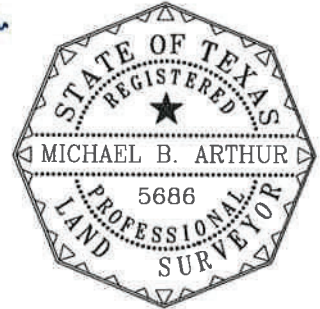
BEGINNING at a point for corner, being in the most northerly northeast line of said Lot 2R, some being in the most westerly southwest line of Lot 1, Block A, of **CRESTSTONE ADDITION**, an addition to the City of McKinney, as recorded in Volume 2012, Page 189, O.P.R.C.C.T., from which the most northerly corner of said Lot 2R, bears North 50°15'35" West, a distance of 99.35';

THENCE South 50°15'35" East, along the common line between said Lot 2R and Lot 1, a distance of 15.11' to a point for corner;

THENCE South 46°35'08" West, over and across said Lot 2R, a distance of 357.26' to a point for corner, being in the most westerly southwest line of said Lot 2R, some being in the northeasterly line of Lot 4, of said addition (Vol. 2018, Pg. 419);

THENCE North 49°17'31" West, along the common line between said Lot 2R and Lot 4, a distance of 15.08' to a point for corner;

THENCE North 46°35'08" East, over and across said Lot 2R, a distance of 357.01' to the **POINT OF BEGINNING** and containing 5,357 square feet or 0.123 acres of land, more or less.





ABBREVIATIONS

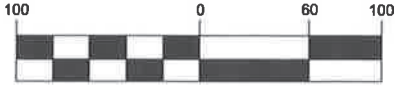
I.R.F. = Iron Rod Found
(R.M.) = Reference Monument
C.I.R.F. = Capped Iron Rod Found
M.R.C.C.T. = Map Records, Collin County, Texas
D.R.C.C.T. = Deed Records, Collin County, Texas
O.P.R.C.C.T. = Official Public Records, Collin County, Texas

Bearings 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.

REVISED: 01/10/2023

DATE: 04/20/2022	15' WATER EASEMENT - P06 JOAB BUTLER SURVEY ABSTRACT NO. 68 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
SHEET NO.: 1 OF 2		
SCALE: 1" = 100'		
CHK'D. BY: M.B.A.		
JOB NO.: 2020-0010		

GRAPHIC SCALE



1 inch = 100 ft.



JOAB BUTLER SURVEY
ABSTRACT NO. 68

STATE HIGHWAY NO. 5
(S. McDONALD STREET)
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

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

EROSION HAZARD
SETBACK LINE
(VOL. 2012, PG. 189)

LOT 1, BLOCK A
CRESTSTONE ADDITION
VOL. 2012, PG. 189,
O.P.R.C.C.T.

POINT OF
BEGINNING

20' x 20' WATER
EASEMENT
(VOL. 2012, PG. 189)

15' WATER
EASEMENT
5,357 SQ. FT.
0.123 ACRES

30' FIRE LANE &
ACCESS EASEMENT
(VOL. 2018, PG. 419)

30' x 600'
UTILITY EASEMENT
(VOL. 2012, PG. 189)

LOT 2R, BLOCK A
CRESTSTONE ADDITION
VOL. 2018, PG. 419,
O.P.R.C.C.T.

LOT 3R, BLOCK A
CRESTSTONE ADDITION
VOL. 2018, PG. 419,
O.P.R.C.C.T.

15' WATER EASEMENT
(VOL. 2018, PG. 419)

REMAINDER OF
LANDSCAPE EASEMENT
(VOL. J, PG. 606)

LOT 4, BLOCK A
CRESTSTONE ADDITION
VOL. 2018, PG. 419,
O.P.R.C.C.T.

VARIABLE WIDTH
PEDESTRIAN
ACCESS EASEMENT
(VOL. 2018, PG. 419)

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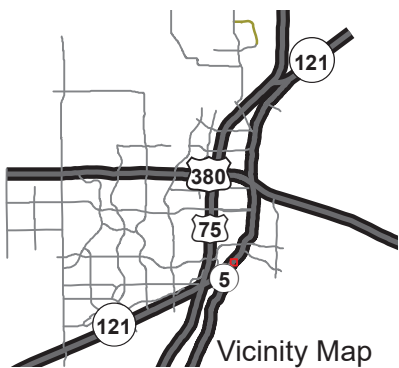
DATE:	04/20/2022
SHEET NO.:	2 OF 2
SCALE:	1" = 100'
CHK'D. BY:	M.B.A.
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15' WATER EASEMENT - P06
JOAB BUTLER SURVEY
ABSTRACT NO. 68
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS



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

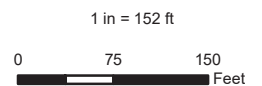


Location Map

Exhibit "B"

TXI Operations, LP

Water Line Easement



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.



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