

**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 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 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 EASEMENT - P81  
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 Lot 1, Block A, of **MCKINNEY JUNCTION**, an addition to the City of McKinney, as recorded in Volume I, Page 263, 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 common line between said Lot 1 and Lot 1, Block A, of **MCKINNEY CROSSING II ADDITION**, an addition to the City of McKinney, as recorded in Volume 2019, Page 84, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), from which an "X" cut found bears, South 32°03'32" West, a distance of 4.68';

**THENCE** North 56°21'40" West, over and across said Lot 1 (Vol. I, Pg. 263), a distance of 40.98' to a point for corner, in the northeasterly monumented line of E. University Drive;

**THENCE** along said northwesterly monumented line of E. University Drive, the following (2) two courses and distances:

1. North 32°43'21" West, a distance of 179.63' to a TxDot concrete monumented (disturbed) found at an angle point;
2. North 11°14'59" West, a distance of 40.98' to a point for corner;

**THENCE** over and across said Lot 1 (Vol. I, Pg. 263), the following courses and distances:

- South 32°43'21" East, a distance of 222.30' to a point for corner;
- South 53°25'57" East, a distance of 30.57' to a point for corner, being in the common line between said Lot 1 (Vol. I, Pg. 263) and Lot 1 (Vol. 2019, Pg. 84);

**THENCE** South 32°03'32" West, along last said common line, a distance of 10.37' the **POINT OF BEGINNING** and containing 3,417 square feet or 0.078 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

*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.


<b>DATE:</b>	07/22/2021	<b>VARIABLE WIDTH WATER EASEMENT - P81 0.078 ACRES IN THE WILLIAM DAVIS SURVEY ABSTRACT NO. 248 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.northtexasurveying.com Firm Registration No. 10074200
<b>REVISED:</b>	01/12/2023		
<b>SCALE:</b>	1" = 40'		
<b>CHK'D. BY:</b>	M.B.A.		
<b>JOB NO.:</b>	2020-0010		

EXHIBIT A, TRACT I

LOT 1, BLOCK A  
McKINNEY JUNCTION  
VOL. I, PG. 263,  
M.R.C.C.T.

LOT 1, BLOCK A  
McKINNEY CROSSING II  
ADDITION  
VOL. 2019, PG. 84,  
O.P.R.C.C.T.

VARIABLE WIDTH  
WATER EASEMENT - P81  
3,417 SQ. FT. / 0.078 ACRES

WATER EASEMENT  
(VOL. 2019, PG. 84)

POINT OF  
BEGINNING

15' BUILDING LINE  
(VOL. I, PG. 263)

3/4" I.R.F. BEARS:  
S60°48'38"E 2.19'

N111°14'59"W  
40.98'  
T&D P  
MONUMENT  
(DISTURBED)

S32°43'21"E  
N32°43'21"W

222.30'  
179.63'

S53°25'57"E  
30.57'

N32°03'32"E 225.05'

S32°03'32"W 10.37'

7.27'  
"X" FND.  
(R.M.)

N53°25'57"W 34.49'  
N56°21'40"W 40.98'

"X" FND. (R.M.)

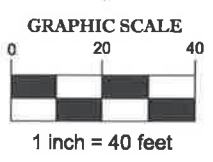
WATER EASEMENT  
(VOL. 2019, PG. 84)

S57°54'06"E 86.92'

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

N89°23'02"W  
22.31'

S32°03'32"W 4.68'



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

DATE:	07/22/2021
REVISED:	01/12/2023
SCALE:	1" = 40'
CHK'D. BY:	M.B.A.
JOB NO.:	2020-0010

VARIABLE WIDTH  
WATER EASEMENT - P81  
0.078 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

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McKinney, Tx, 75069  
Ph. (469) 424-2074 Fax: (469) 424-1997  
www.northtexassurveying.com  
Firm Registration No. 10074200

**EXHIBIT "A"**  
**TEMPORARY CONSTRUCTION**  
**EASEMENT - T87**  
**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 Lot 1, Block A, of MCKINNEY JUNCTION, an addition to the City of McKinney, as recorded in Volume I, Page 263, of the Map Records, Collin County, Texas (M.R.C.C.T.), said tract being more particularly described as follows:

**COMMENCING** at an "X" cut found for the most southerly corner of said Lot 1, same being the most westerly corner of Lot 1, Block A, of MCKINNEY CROSSING II ADDITION, an addition to the City of McKinney, as recorded in Volume 2019, Page 84, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said corner also being in the northeasterly monumented line of E. University Drive (U.S. Highway No. 380);

**THENCE** North 32°03'32" East, along the common line between said Lot 1 and Lot 1, a distance of 15.05' to the **POINT OF BEGINNING**;

**THENCE** over and across said Lot 1 (Vol. I, Pg. 263), the following (5) five courses and distances:

1. North 53°25'57" West, a distance of 30.57' to a point for corner;
2. North 32°43'21" West, a distance of 25.22' to a point for corner;
3. North 57°16'39" East, a distance of 15.00' to a point for corner;
4. South 32°43'21" East, a distance of 22.48' to a point for corner;

5. South 53°25'57" East, a distance of 26.65' to a point for corner in the aforementioned common line between said Lot 1 and Lot 1;

**THENCE** South 32°03'32" West, along last said common line, a distance of 15.05' to the **POINT OF BEGINNING** and containing 787 square feet or 0.018 acres of land, more or less.

*M.B.A.*



**ABBREVIATIONS**

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C.I.R.F.	= Capped Iron Rod Found
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DATE:	07/22/2021	<b>TEMPORARY CONSTRUCTION</b> <b>EASEMENT - T87</b> <b>0.018 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> <b>Registered Professional Land Surveyors</b> 1010 West University Drive McKinney, Tx. 75069 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexasurveying.com Firm Registration No. 10074200
REVISED:			
SCALE:	1" = 40'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2020-0010		

EXHIBIT A, TRACT II

LOT 1, BLOCK A  
McKINNEY JUNCTION  
VOL. I, PG. 263,  
M.R.C.C.T.

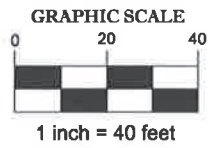
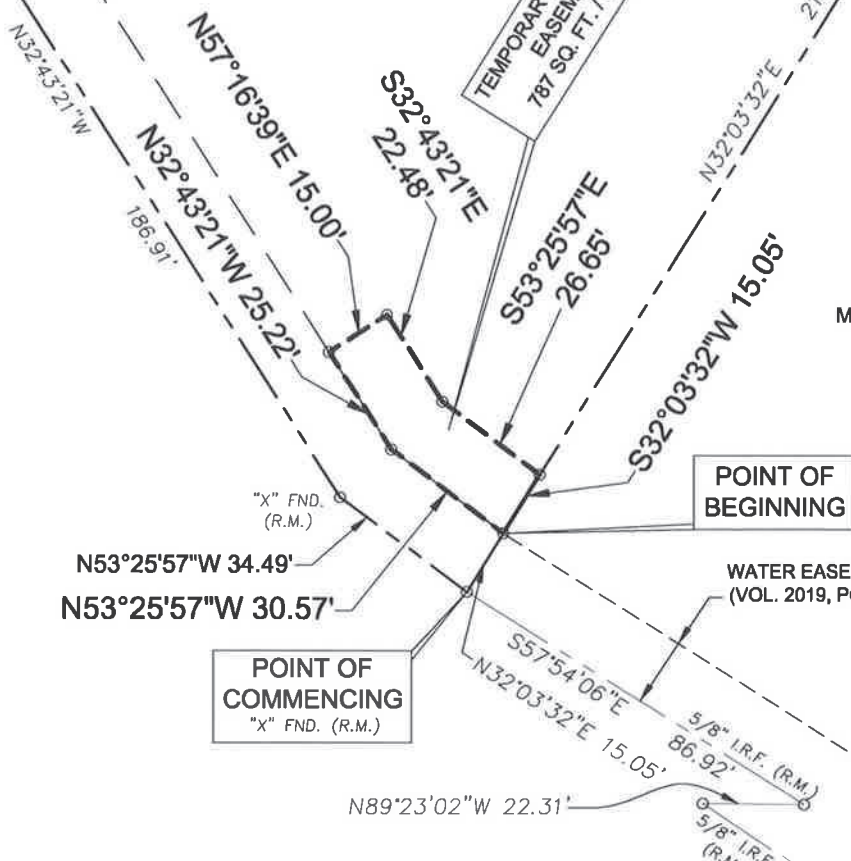
LOT 1, BLOCK A  
McKINNEY CROSSING II  
ADDITION  
VOL. 2019, PG. 84,  
O.P.R.C.C.T.

15' BUILDING LINE  
(VOL. I, PG. 263)

T&D  
MONUMENT  
(DISTURBED)

3/4" I.R.F. BEARS  
S60°48'38"E 2.19'


TEMPORARY CONSTRUCTION  
EASEMENT - T87  
787 SQ. FT. / 0.018 ACRES



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

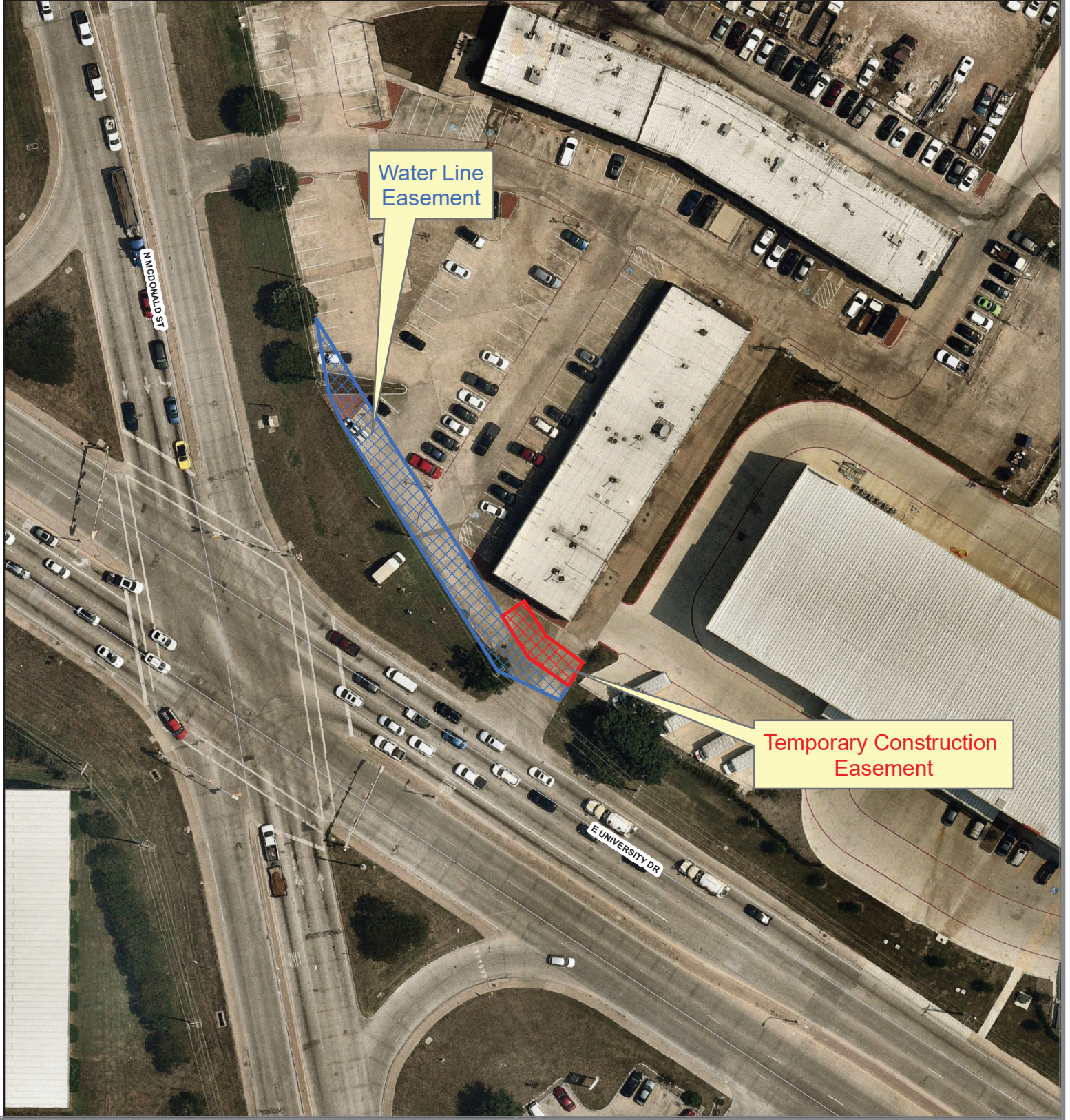
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TEMPORARY CONSTRUCTION  
EASEMENT - T87  
0.018 ACRES IN THE  
WILLIAM DAVIS SURVEY  
ABSTRACT NO. 248  
CITY OF MCKINNEY,  
COLLIN COUNTY, TEXAS



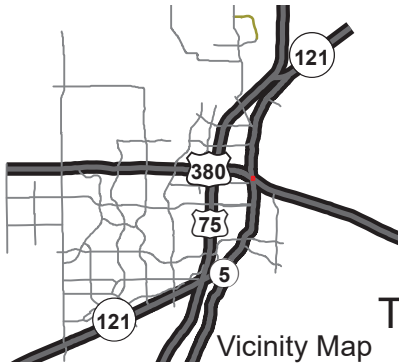
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Water Line Easement

Temporary Construction Easement



Vicinity Map

# Location Map

## Exhibit "B"

### 7116 Valjean LLC

### Water Line Easement and

### Temporary Construction Easement



1 in = 74 ft  
0 30 60 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.



Source: City of McKinney GIS  
Date: 10/12/2023

Document Path: Y:\GIS\GISWork\K\Hingrajya\MapProjects\LocationMap\Dev\_Services\_Notification\_Map.mxd