

**RESOLUTION NO. 2023-12-\_\_\_\_(R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE SALE OF THREE TRACTS OF LAND TOTALING APPROXIMATELY 29.215 ACRES OF LAND AS MORE PARTICULARLY DESCRIBED HEREINAFTER, CONSISTING OF APPROXIMATELY 8.695 ACRES OF LAND LOCATED NORTH OF OLD MILL ROAD WEST OF ITS INTERSECTION WITH COUNTY ROAD 317 (TRACT I), APPROXIMATELY 11.142 ACRES OF LAND LOCATED SOUTH OF FARM TO MARKET ROAD 546 AT ITS INTERSECTION WITH COUNTY ROAD 317 (TRACT II), AND APPROXIMATELY 9.378 ACRES OF LAND LOCATED AT THE NORTHWEST QUADRANT OF FARM TO MARKET ROAD 546 AND COUNTY ROAD 722 (TRACT III) TO THE STATE OF TEXAS FOR THE CONSTRUCTION OF ITS SPUR 399 PROJECT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE DEEDS AND DOCUMENTS REGARDING THE SALE OF SAID CITY-OWNED PROPERTY TO THE STATE OF TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**WHEREAS**, the City of McKinney, Texas (“City”), owns approximately 8.695 acres of land in the George B. Pilant Survey, Abstract No. 691, more fully described and depicted in Exhibit “A”, Tract I attached hereto and incorporated herein by reference for all purposes allowed by law; and

**WHEREAS**, the City owns approximately 11.142 acres of land in the George B. Pilant Survey, Abstract No. 691, more fully described and depicted in Exhibit “A”, Tract II attached hereto and incorporated herein by reference for all purposes allowed by law; and

**WHEREAS**, the City owns approximately 9.378 acres of land in the Richard H. Lock Survey, Abstract No. 517, more fully described and depicted in Exhibit “A”, Tract III attached hereto and incorporated herein by reference for all purposes allowed by law; and

**WHEREAS**, the Texas Department of Transportation (“TxDOT”) is currently planning for the construction of its Spur 399 Project beginning at State Highway 5 to US 380/University Drive; and

**WHEREAS**, TxDOT is currently acquiring right-of-way (“ROW”) necessary for the Spur 399 Project to begin roadway construction; and

**WHEREAS**, TxDOT desires to acquire Tract I, Tract II and Tract III identified herein (collectively, the “Property”) from the City for use as ROW for the Spur 399 Project; and

**WHEREAS**, the City Council has determined that the Property is no longer necessary for municipal purposes; and

**WHEREAS,** Texas Local Government Code Section 272.001(b)(5) authorizes a city to convey property to a political subdivision having the power of eminent domain, such as the State of Texas, for the fair market value of such property without complying with the notice and bidding procedures set forth in Texas Local Government Code Section 272.001; and

**WHEREAS,** TxDOT obtained appraisals of the Property and the City has obtained reviews of said appraisals by a licensed real estate appraiser confirming the fair market value of the Property thereby meeting the requirements of Texas Local Government Code Section 272.001(b); and

**WHEREAS,** the Texas Transportation Commission has offered to pay the City the fair market value of the Property for use as ROW for the Spur 399 Project; and

**WHEREAS,** the City Council has determined that it would be in the best interest of the City to convey the Property to the State of Texas.

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

Section 1. All of the above premises are hereby found 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. The Property should be sold to the State of Texas for the total amount of Seven Million Eight Hundred Forty-Five Thousand One Hundred Twenty and NO/100 Dollars (\$7,845,120.00), which amount is in excess of the appraised fair market value of the Property including additional monies for execution of the Possession and Use Agreements ("PUA") attributable to each parcel as follows:

- a) Tract I: Approximately 8.695 acres of land having a negotiated settlement of \$2,518,159.00, plus PUA payment of \$25,000.00.
- b) Tract II: Approximately 11.142 acres of land having a negotiated settlement of \$3,182,490.00, plus PUA payment of \$25,000.00.
- c) Tract III: Approximately 9.378 acres of land having a negotiated settlement of \$2,144,471.00, plus PUA payment of \$25,000.00.

Section 3. The City Manager is hereby authorized to execute all documents necessary to the sale and conveyance of the Property, fully described on Exhibit "A", Tracts I, II and III, attached hereto, to the State of Texas for ROW to be used for the Spur 399 Project.

Section 4. This Resolution shall take effect immediately from and after the date of passage and is so resolved.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS ON THE 5<sup>th</sup> DAY OF DECEMBER 2023.**

CITY OF McKINNEY, TEXAS

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary  
TENITRUS BETHEL  
Deputy City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney