A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE SALE OF A WATER LINE EASEMENT TO THE NORTH TEXAS MUNICIPAL WATER DISTRICT, WHICH EASEMENT CONSISTS OF TWO PARTS, PART 1-1 BEING 1.773 ACRES AND PART 1-2 BEING 0.231 ACRES SITUATED IN THE JOHN R. JONES SURVEY, ABSTRACT NO. 497, CITY OF McKINNEY, GENERALLY COLLIN COUNTY, TEXAS LOCATED NEAR BLOOMDALE ROAD AND MCLARRY DRIVE IN THE AMOUNT OF \$140,598.00; AND AUTHORIZING THE CITY MANAGER TO EXECUTE EASEMENT AND DOCUMENTS REGARDING THE SALE OF SAID EASEMENT ACROSS CITY-OWNED PROPERTY TO THE NORTH TEXAS MUNICIPAL WATER DISTRICT; AND PROVIDING FOR AN **EFFECTIVE DATE HEREOF** 

- WHEREAS, the North Texas Municipal Water District ("NTMWD"), a governmental entity with eminent domain authority, has requested a water line easement consisting of two parts, part 1-1 being 1.773 acres and part 1-2 being 0.231 acres situated in the John R. Jones Survey, Abstract No. 497, City of McKinney, Collin County, Texas generally located near Bloomdale Road and McLarry Drive, for the construction and installation of a water transmission pipeline to provide additional treated water capacity to the NTMWD North Transmission System, which serves many cities, including McKinney; and
- **WHEREAS,** the NTMWD has made a request to purchase the Easement from the City for a proposed water transmission pipeline; and
- WHEREAS, City Council has determined that the Property will be utilized by a governmental entity in carrying out a use that benefits the public interest; and
- WHEREAS, Texas Local Government Code Section 272.001(b)(5) authorizes a city to convey property to a governmental entity having the power of eminent domain, such as NTMWD, 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, the City of McKinney obtained an appraisal of the Easement by a licensed real estate appraiser confirming the fair market value of the Easement thereby meeting the requirements of Texas Local Government Code Section 272.001(b); and
- WHEREAS, NTMWD will pay the City of McKinney the appraised fair market value for the Easement; and
- WHEREAS, City Council has determined that it would be in the best interest of the City to convey the Easement to the NTMWD.

# 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 Easement should be sold to NTMWD, for the total amount of One Hundred Forty Thousand, Five Hundred Ninety-Eight and 00/100 Dollars (\$140,598.00), which amount is the appraised fair market value of the Easement.
- Section 3. The funds collected from the sale of the Easement to NTMWD should be placed in the Water/Wastewater fund.

- Section 4. The City Manager is hereby authorized to execute all documents necessary for the sale and conveyance of the Easement, fully described on Exhibit B, attached hereto, to NTMWD.
- Section 5. 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 19<sup>th</sup> DAY OF OCTOBER 2021.

CITY OF McKINNEY, TEXAS

GEORGE C. FULLER Mayor

ATTEST:

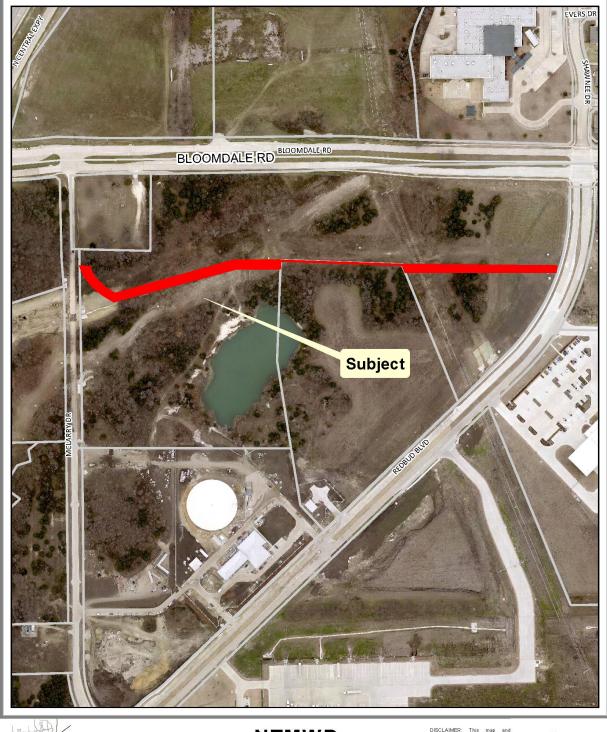
EMPRESS DRANE City Secretary JOSHUA STEVENSON Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER City Attorney

## EXHIBIT "A"

# Location Map





300

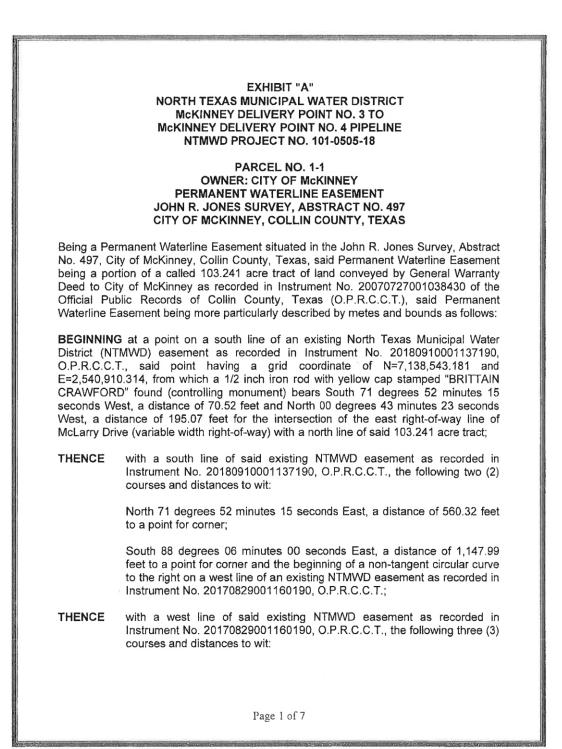
NTMWD Water Line Easement

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.



### **EXHIBIT "B"**

## Legal Description of the Property



	Southwesterly, with said non-tangent circular curve to the right for a central angle of 02 degrees 51 minutes 41 seconds, a radius of 750.00 feet, an arc length of 37.46 feet, and a chord bearing and distance of South 19 degrees 23 minutes 57 second West, a distance of 37.45 feet to a point for corner and the end of said curve;
	South 69 degrees 48 minutes 00 seconds East, a distance of 10.00 feet to a point for corner and the beginning of a non-tangent circular curve to the right;
	Southwesterly, with said non-tangent circular curve to the right for a central angle of 01 degree 41 minutes 37 seconds, a radius of 760.00 feet, an arc length of 22.47 feet, and a chord bearing and distance of South 21 degrees 40 minutes 07 second West, a distance of 22.46 feet to a point for corner;
THENCE	North 88 degrees 06 minutes 00 seconds West, departing a west line of said existing NTMWD easement as recorded in Instrument No. 20170829001160190, O.P.R.C.C.T., over and across said 103.241 acre tract, a distance of 509.96 feet to a point for corner on the northeast line of a called 10.763 acre tract of land conveyed to NTMWD as recorded in Instrument No. 20170302000278480, O.P.R.C.C.T.;
THENCE	North 22 degrees 20 minutes 24 seconds West, with the northeast line of a said 10.763 acre tract, a distance of 54.18 feet to a 1/2 inch iron rod found (controlling monument) for the northeast corner of said 10.763 acre tract;
THENCE	North 88 degrees 06 minutes 00 seconds West, with the north line of said 10.763 acre tract, a distance of 455.53 feet to a point for the northwest corner of said 10.763 acre tract;
THENCE	South 01 degree 54 minutes 00 seconds West, with a west line of a said 10.763 acre tract, a distance of 49.40 feet to a point for corner;
THENCE	departing a west line of a said 10.763 acre tract, over and across said 103.241 acre tract, the following three (3) courses and distances to wit:
	North 88 degrees 06 minutes 00 seconds West, a distance of 140.30 feet to a point for corner;
	South 71 degrees 52 minutes 15 seconds West, a distance of 508.35 feet to a point for corner;
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North 52 degrees 43 minutes 05 seconds West, a distance of 72.88 feet to the **POINT OF BEGINNING** and containing 77,221 square feet or 1.773 acres of land, more or less.

A plat of even survey date herewith accompanies this legal description.

All bearings are based on the Texas Coordinate System of 1983, North Central Zone 4202, North American Datum 1983 (N.A.D. 83) (2011 ADJ.), Epoch 2010.00, Geoid 12A Model derived from the Alterra Central RTK Network by GPS observations with a grid to surface adjustment factor of 1.000152710 (Collin County). All distances and area shown are surface values and in U.S. Survey feet.

I, Heath W. Brown, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this legal description and attached plat accurately depict an actual survey made on the ground under my supervision.

HeathWB

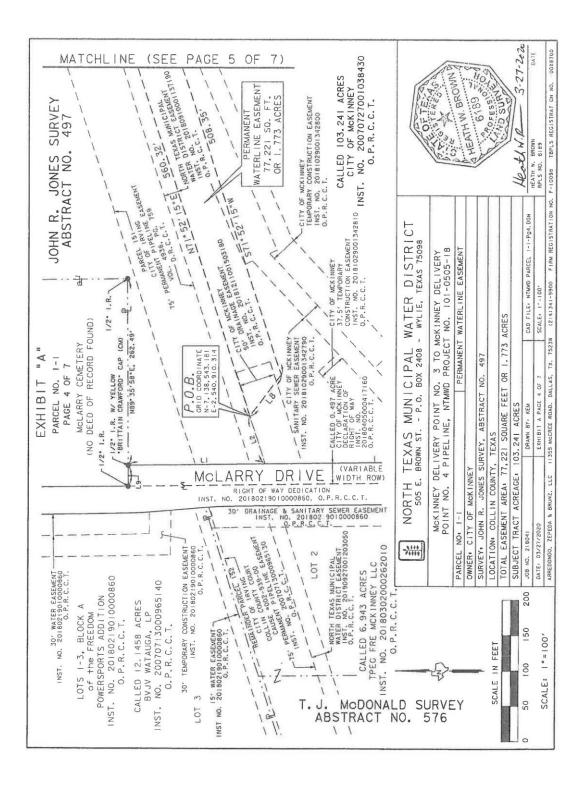
Heath W. Brown Registered Professional Land Surveyor Texas No. 6189

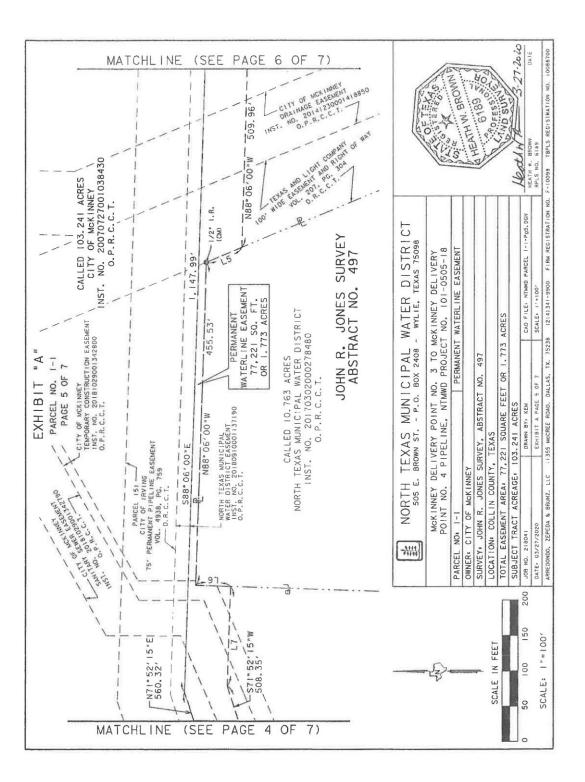
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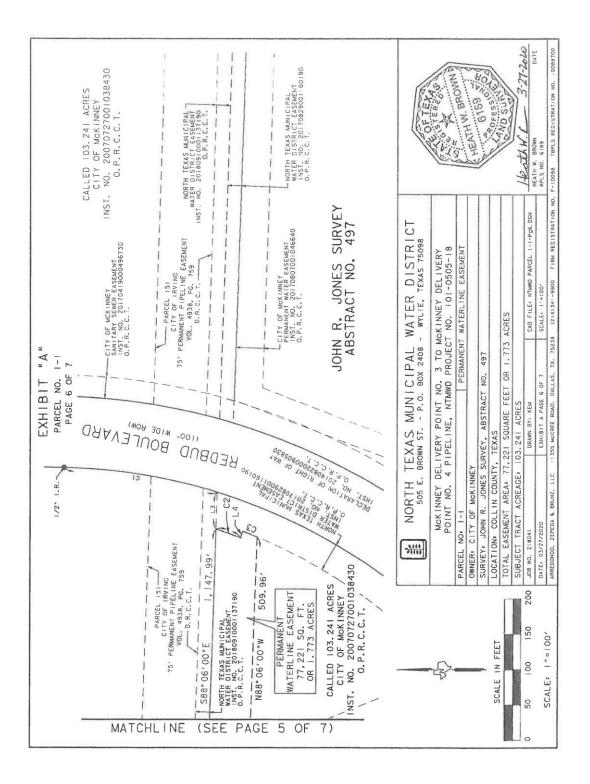
Date



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LEGENO EXHIBIT "A"   PARCEL NO. I-I PARCEL NO. I-I   PARCEL NO. I-I I-I PARCEL NO. I-I   PARCEL NO. I-I I-I I-I </th <th>ACOUISITION LOCATION SUBJECT TRACT &amp;</th> <th>(NOT TO SCALE)</th> <th>OF TEXAS</th> <th>A HEATH W. BROWN</th> <th>Heat M. B. 3-27-2012</th> <th></th>	ACOUISITION LOCATION SUBJECT TRACT &	(NOT TO SCALE)	OF TEXAS	A HEATH W. BROWN	Heat M. B. 3-27-2012	
	EXHIBIT "A" PAGE 7 OF 7 PAGE 7 OF 7 LINE TABLE NO0° 43 23 * W 195.07' S10° 52' 15' W 70.52' S88° 66' 00°E 51.90' S569° 48' 00°E 51.90' S69° 48' 00°E 51.90' N22° 23' 00°W 140.30' N22° 23' 58*W 29.61'	ABLE NGTH CHORD BEARING CHORD DISTANCE 21 NO9° 01 O5 °E 220. 51 ' 6' 519° 23' 57 °W 37. 45 ' 7' 521° 40' 07 °W 22. 46 '	87H TEXAS MUNICIPAL WATER 105 E. BROWN ST P.O. BOX 2408 - WYLIE, TI NEY DELIVERY POINT NO. 3 TO MCKINNEY DI NO. 4 PIPELINE, NTAWD PROJECT NO. 101-	PERMANENT WATER ABSTRACT NO. 497	COLLIN COUNTY, TEXAS MENT AREA: 71, 221 SQUARE FEET OR 1, 773 / ACT ACREAGE: 103. 241 ACRES	DRAWN BY* KEM EXHIBIT A PAGE 7 OF 7

#### EXHIBIT "A" NORTH TEXAS MUNICIPAL WATER DISTRICT McKINNEY DELIVERY POINT NO. 3 TO McKINNEY DELIVERY POINT NO. 4 PIPELINE NTMWD PROJECT NO. 101-0505-18

#### PARCEL NO. 1-2 OWNER: CITY OF McKINNEY PERMANENT WATERLINE EASEMENT JOHN R. JONES SURVEY, ABSTRACT NO. 497 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

Being a Permanent Waterline Easement situated in the John R. Jones Survey, Abstract No. 497, City of Mckinney, Collin County, Texas, said Permanent Waterline Easement being a portion of a called 103.241 acre tract of land conveyed by General Warranty Deed to City of McKinney as recorded in Instrument No. 20070727001038430 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), said Permanent Waterline Easement being more particularly described by metes and bounds as follows:

**BEGINNING** at a point on the east right-of-way line of McLarry Drive (variable width right-of-way), said point having a grid coordinate of N=7,138,676.278 and E=2,540,841.353, from which a 1/2 inch iron rod with yellow cap stamped "BRITTAIN CRAWFORD" found (controlling monument) bears North 00 degrees 43 minutes 23 seconds West, a distance of 40.00 feet for the intersection of the east right-of-way line of said McLarry Drive with a north line of said 103.241 acre tract;

**THENCE** departing the east right-of-way line of said McLarry Drive, over and across said 103.241 acre tract, the following three (3) courses and distances to wit:

North 89 degrees 36 minutes 32 seconds East, a distance of 69.20 feet to a point for corner;

South 00 degrees 00 minutes 00 seconds West, a distance of 33.22 feet to a point for corner;

South 52 degrees 43 minutes 05 seconds East, a distance of 91.49 feet to a point for corner on a north line of an existing North Texas Municipal Water District (NTMWD) easement as recorded in Instrument No. 20180910001137190, O.P.R.C.C.T.;

THENCE South 71 degrees 52 minutes 15 seconds West, with the north line of said existing NTMWD easement, a distance of 97.18 feet to a point for corner;

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THENCE North 52 degrees 43 minutes 05 seconds West, departing the north line of said existing NTMWD easement, over and across said 103.241 acre tract, a distance of 61.10 feet to a point for corner on the east right-of-way line of said McLarry Drive;
THENCE North 00 degrees 43 minutes 23 seconds West, with the east right-of-way

line of said McLarry Drive, a distance of 81.40 feet to the POINT OF BEGINNING and containing 10,053 square feet or 0.231 acres of land, more or less.

A plat of even survey date herewith accompanies this legal description.

All bearings are based on the Texas Coordinate System of 1983, North Central Zone 4202, North American Datum 1983 (N.A.D. 83) (2011 ADJ.), Epoch 2010.00, Geoid 12A Model derived from the Alterra Central RTK Network by GPS observations with a grid to surface adjustment factor of 1.000152710 (Collin County). All distances and area shown are surface values and in U.S. Survey feet.

I, Heath W. Brown, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this legal description and attached plat accurately depict an actual survey made on the ground under my supervision.

Heath W.B

Heath W. Brown Registered Professional Land Surveyor Texas No. 6189

3-27-2020

Date



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