



23-0867

**TITLE:** Consider/Discuss/Act on Adoption of a Resolution 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) which Property is Located on the East Side of N. McDonald Street north of its intersection with Spur 399 and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions

**COUNCIL GOAL:** Operational Excellence  
(2B: Balance available resources to accommodate the growth and maintenance needs of the City)

**MEETING DATE:** October 17, 2023

**DEPARTMENT:** Development Services / Engineering

**CONTACT:** Gary Graham, PE, PTOE, Director of Engineering  
Todd Wright, Real Estate Acquisitions Administrator

**RECOMMENDED CITY COUNCIL ACTION:**

- Approval of Resolution using a motion in a form substantially similar to the following:

*"I move that the City of McKinney, Texas, City Council approve this item as written and adopt the Resolution described in this agenda item and authorize the use of the power of eminent domain to acquire for public use all necessary property interests from Issam Al Shmaisani, identified as owner of record by the Collin Central Appraisal District, and any other persons or entities claiming an interest to the property depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including the construction, access and maintenance of infrastructure improvements on the east side of N. McDonald Street north of its intersection with Spur 399 associated with the*

*SH 5 Utility Relocation Project (WA1633 & WW1633).”*

- A roll call vote is required for this item.

**ITEM SUMMARY:**

- This Resolution provides authority to the City Manager to execute documents for the acquisition of property rights and the use of Eminent Domain to condemn property interests in order to acquire a Water Line Easement and a Temporary Construction Easement necessary for the SH 5 Utility Relocation Project (WA1633 & WW1633).

**BACKGROUND INFORMATION:**

- In conjunction with TxDOT’s upcoming Hwy 5 reconstruction project, the City of McKinney needs to move existing utilities out of the TxDOT right-of-way onto private property. Construction of the project is scheduled to begin early next year.
- The Project requires the acquisition of a Water Line Easement and a Temporary Construction Easement from the property owner.
- The property owner has been informed of the Project details and necessity for the acquisition portions of their property.
- Initial and Final offer letters were presented to the property owner based on a valuation by an independent third-party appraiser.
- The property owner has not responded to the City’s final offer letter with an appropriate settlement amount.
- While staff will continue efforts to work with the property owner in order to acquire the easements amicably, it is necessary to begin condemnation proceedings to keep the project on schedule.
- The property owner is identified below and the property is described and depicted in the attached Resolution as Exhibit A, Tract I, Exhibit A, Tract II, Exhibit A, Tract III, and Exhibit A, Tract IV. The acquisition of the easements are necessary for the SH 5 Utility Relocation Project (WA1633 & WW1633).

<b>Property Owner</b>	<b>Description</b>	<b>Area/Acres</b>	<b>Resolution Exhibit</b>
Issam Al Shmaisani	Water Line Easement Temporary Construction Easement	0.130 acres	Exhibit A, Tract I
		0.013 acres	Exhibit A, Tract II
		0.170 acres	Exhibit A, Tract III
		0.014 acres	Exhibit A, Tract IV

**FINANCIAL SUMMARY:**

- Funds for the property acquisition are available in Project WA1633 & WW1633.

**BOARD OR COMMISSION RECOMMENDATION:**

- N/A

**SUPPORTING MATERIALS:**

[ENG108 - Issam Al Shmaisani - ED Resolution 23.09.pdf](#)

[Location Map - Issam Al Shmaisani](#)