



20-0459

**TITLE:** Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Certain Property (in Fee Simple) for Public Use by Eminent Domain and Associated with the Municipal Complex Project and Said Certain Property is Commonly Known as 301 Throckmorton Street Generally Located Between East Lamar Street and East Virginia Street and Authorizing the City Manager to Establish Procedures for Acquiring the Property in Fee Simple, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions

**COUNCIL GOAL:** Direction for Strategic and Economic Growth

**MEETING DATE:** June 2, 2020

**DEPARTMENT:** Development Services / Engineering

**CONTACT:** Gary Graham, PE, PTOE, Director of Engineering

**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 the necessary property in fee simple from the owner of the property depicted on and described by metes and bounds attached to said Resolution, said depiction and description being incorporated in their entirety into this motion for all purposes associated with the Municipal Complex Project."*

- 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 located at 301 North Throckmorton Street in the City of McKinney to construct future improvements associated with the Municipal Complex Project.

#### **BACKGROUND INFORMATION:**

- The City of McKinney Capital Improvement Projects includes the acquisition of land associated with the Municipal Complex Project FC1707.
- The property located at 301 N. Throckmorton has been identified as one of several properties to be acquired for the Municipal Complex Project.
- The property owner has been informed of the downtown redevelopment project and necessity for the acquisition of his property.
- The property owner is in the process of rehabbing an older apartment building located on the subject property.
- An appraisal was commissioned to determine the fair market value of the land and existing improvements.
- The appraisers met with the property owner and took under consideration information supplied by the property owner, the current condition of the property and status of any rehabilitation to the apartment building/improvements when determining the fair market value of the property.
- An initial offer letter was sent to the property owner together with a copy of the appraisal and a copy of the Texas Landowner's Bill of Rights.
- The property owner has indicated to staff that he cannot accept the City's initial offer to purchase. He stated that his investment in the land and apartment rehabilitation are greater than the fair market value indicated in the City's appraisal.
- The City will continue to attempt to amicably acquire the necessary property rights from the landowner voluntarily through negotiations prior to filing an action in Eminent Domain.

#### **FINANCIAL SUMMARY:**

- Funds for the property acquisition are available in the FC1707.

#### **BOARD OR COMMISSION RECOMMENDATION:**

- N/A

**SUPPORTING MATERIALS:**

[Resolution](#)

[Location Map](#)