



22-0641

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 Water Line and Temporary Construction Easements associated with the FM 546 and Airport Blvd. Water Line Project which Property is Located Near the Southwest Corner of Harry McKillop Boulevard/FM 546 and Airport Blvd. 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: July 19, 2022

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 Mo & Associates, LLC also known as Mo and Associates, LLC and Majgek Partners, LLC, Jimmy R. Montgomery and Susan K. Montgomery as their interest may appear, identified as the owners by the Commitment for Title Insurance issued by First National Title Insurance Company on May 11, 2022,, 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 near the southwest corner of Harry McKillop Boulevard/ 546 and Airport Blvd. associated with the FM 546 and Airport Blvd. Water Line 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 interests to construct a Water Line for the Harry McKillop Boulevard/FM 546 and Airport Blvd. Water Line CIP Project WA4339 (Project).

BACKGROUND INFORMATION:

- Per the Water, Wastewater and Transportation Master Plan, a new 24-inch water main generally along Airport Blvd. from Industrial Blvd. to Harry McKillop Boulevard/FM 546 is needed to deliver water in the City's 794 water pressure plane.
- Construction of the master planned water main will support upcoming and future development on the east side of State Highway 5 south of Industrial Blvd.
- The Project requires the acquisition of Water Line and Temporary Construction Easements from the property owner prior to construction.
- The property owner has been informed of the project details and necessity for the acquisition of a portion of their property.
- All property rights need to be acquired prior to commencing construction of the project which is scheduled to begin this winter.
- The property owner has made a counteroffer for the property which is considered unacceptable by staff and the City Attorney. Staff have made several attempts to work with the property owner to no avail. There are also title issues that cause an amicable acquisition unlikely.
- The easements are necessary to construct the new 24-inch water main.
- An appraisal was commissioned and sent to the property owner along with a final offer letter for the proposed acquisition.
- The property owner has not responded to the City's final offer letter.

- The City needs to acquire all easements prior to commencing construction which is scheduled to begin this winter.
- Although the City will continue efforts to an acquire the easements amicably, the need to file an action in Eminent Domain will be necessary to keep the project on schedule.
- The property owner is identified below and the property in the attached Resolution as Exhibit A. The acquisition of the easements is necessary for the FM 546 and Airport Blvd. Water Line Project.

Property Owner	Description	Area/Acres	Resolution Exhibit
Mo & Associates, LLC also known as Mo and Associates, LLC and Majgek Partners, LLC, Jimmy R. Montgomery and Susan K. Montgomery as their interest may appear	Water Line and Temporary Construction Easements	0.682 acres	Exhibit A

FINANCIAL SUMMARY:

- Funds for the property acquisition are available in project WA4339.

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Resolution](#)
[Location Map](#)