



22-0878

**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 Boulevard Water Line Project which Property is Located on the West Side of Highway 5 at its Intersection with Harry McKillop Boulevard 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:** September 20, 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 GSI McDonald McKinney, LLC, identified as the owner 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 west side of Hwy. 5 at its intersection with Harry McKillop 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 FM 546 and Airport Blvd. Water Line Project (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 Blvd./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 Hwy. 5 south of Industrial Blvd.
- The Project requires the acquisition of Water Line and Temporary Construction Easements from the property owner in order to construct the new 24-inch water main and the easements must be acquired prior to commencing construction which is expected to begin in the winter of 2022.
- The property owner has been informed of the project details and necessity for the acquisition of a portion of their property.
- An offer was presented to the property owner based on a valuation by an independent third-party appraiser.
- The property owner agreed to the City's offer for the necessary easements and escrow was opened on May 11, 2022 with the title company, however the property owner has not been able to produce a clear title to date.
- 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 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 |
|----------------------------|---|------------------------|--------------------|
| GSI McDonald McKinney, LLC | Water Line Easement and Temporary Construction Easement | 0.129 acres (combined) | 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](#)