



**23-0918**

**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 associated with the SH 5 Utility Relocation Project (WA1633 & WW1633) which Property is Located on the East Side of S. McDonald Street North of Spur 399 and Authorizing the City Manager to Establish Procedures for Acquiring the Easement 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:** November 7, 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 TXI Operations, LP, 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 depiction and description being incorporated in their entirety into this motion for all*

*purposes including the construction, access and maintenance of infrastructure improvements located on the east side of S. McDonald Street north of 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 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 from the property owner.
- The property owner has been informed of the Project details and necessity for the acquisition of 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 acceptable 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. The acquisition of the easement is necessary for the SH 5 Utility Relocation Project (WA1633 & WW1633).

Property Owner	Description	Area/Acres	Resolution Exhibit
TXI Operations, LP	Water Line Easement	0.123 acres	Exhibit A

**FINANCIAL SUMMARY:**

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

**BOARD OR COMMISSION RECOMMENDATION:**

- N/A

**SUPPORTING MATERIALS:**

[Resolution](#)

[Location Map](#)