State of Texas

State of Texas

Court Order

Collin County

Commissioners Court

S

An order of the Collin County Commissioners Court approving a sale of land.

The Collin County Commissioners Court hereby approves the sale of land located on FM 455 to TxDOT to facilitate a capital improvement project, as detailed in the attached documentation.

A motion was made, seconded, and carried by a majority of the court members in attendance during a regular session on Monday, February 27, 2023.

Chris Hill, County Judge

Susan Fletcher, Commissioner, Pct 1

Cheryl Williams, Commissioner, Pct 2

Darrell Hale, Commissioner, Pct 3

Buncan Webb, Commissioner, Pct 4

ATTEST: Stacey Kemp, County Clerk



REAL ESTATE APPRAISAL REPORT TEXAS DEPARTMENT OF TRANSPORTATION

Address of Property: 3821 FM 455, Anna ETJ, Collin Co., Texas
Property Owner: W.G. Proctor, County Judge of Collin County, Texas (per title commitment)
Address of Property Owner: 2300 Bloomdale Rd. #2106, McKinney, TX 75009 (mailing, per CCAD)

Occupant's Name: Collin County

Whole: ☐ Partial: ☑

Acquisition

District: Dallas Parcel: P00059527 ROW CSJ: 0816-04-109

Federal Project No: BR 2023 (215) Highway: FM 455 County: Collin

Purpose of the Appraisal

The purpose of this appraisal is to estimate the market value of the fee simple estate to the real property to be acquired, encumbered by any easements not to be extinguished, less oil, gas, and sulphur. If this acquisition is of less than the whole property, then any special benefits and/or damages to the remainder property must be included in accordance with the laws of Texas.

Market Value

Market value is defined as follows: "Market Value is the price which the property would bring when it is offered for sale by one who desires to sell, but is not obliged to sell, and is bought by one who desires to buy, but is under no necessity of buying it, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future." City of Austin v. Cannizzo, 267 S.W. 2d 808 (Tex 1954).

Certificate of Appraiser

I hereby certify:

That it is my opinion the total compensation for the acquisition of the herein described property is \$268,612 as of October 5, 2022, based upon my independent appraisal and the exercise of my professional judgment;

On October 5, 2022 and other dates, I personally inspected in the field the property herein appraised. The property owner's representative responded to our certified correspondence and was present during our October 5 inspection. Inspections on other dates were from public right of ways, roadways and adjacent properties:

That the comparables relied upon in making said appraisal were as represented by the photographs contained in the appraisal report, and were inspected on the dates shown on the comparable data supplement sheets;

That I have not revealed and will not reveal the findings and results of such appraisal to anyone other than the client until authorized by the client to do so, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified to such findings;

That my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

The appraiser has considered access damages in accordance with Section 21.042(d) of the Texas Property Code, as amended by SB18 of the Texas 82nd Regular Legislative Session and finds as follows:

- 1. Is there a denial of direct access on this parcel? No
- 2. If so, is the denial of direct access material? N/A
- 3. The lack of any access or the material impairment of direct access on or off the remaining property affects the market value of the remaining property in the sum of <u>-0-</u>

I certify to the best of my knowledge and belief:

That the statements of fact contained in this report are true and correct;

That the reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions;

That I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That my analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the appropriate State laws, regulations, and policies and procedures applicable to the appraisal of right of way for such purposes, and that to the best of my knowledge no portion of the value assigned to such property consists of items which are noncompensable under the established law of said State, and any decrease or increase in the fair market value of subject real property prior to the date of valuation caused by the public improvement for which such property is to be acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to the physical deterioration within the reasonable control of the owner, has been disregarded in estimating the compensation for the property.

Appraiser Signature
Christi Boyd Glendinning
Certification Number
TX-1321645-G
October 19, 2022

To the best of my knowledge, the value does not include any items which are not compensable under State law.

Jennifer Ayers, SR/WA, R/W-AC; TX-1336198-G

11/01/2022

Reviewing Appraiser

Date





Public Works Department 700 A. Wilmeth Road McKinney, Texas 75069 www.collincountytx.gov 972-548-3700 (Phone) 972-548-3754 (Fax)

Date:

January 24, 2023

To:

Commissioners Court

From:

Jon Kleinheksel

Re:

FM 455 Land Acquisition

Due to their planned project to widen FM455, TxDOT will require additional right of way along the road. This impacts Collin County since a portion of the land currently utilized as the Weston Stockpile will be necessary to facilitate the capital improvement project. Specifically, they intend to acquire about 1/3 of the area of the stockpile as shown in Exhibit A.

TxDOT appraised the value of the land in question and offered the County the appraised value of \$268,612.00. The deed for the right of way and a copy of the appraisal are attached. They have offered an additional \$25,000.00 for relocation expenses, as noted in the attached Possession and Use Agreement.

PW staff has spoken to our legal counsel who shared two thoughts after reviewing the documents. Because of eminent domain and public use factors, we most likely will be unable to decline their proposal. Second, their offer is reasonable. Based on this, PW staff surveyed the Weston stockpile and determined we can continue operations despite the partial loss of space. Our R&B folks may reconfigure the stockpile to accommodate the new dimensions.

Please let me know if you have any questions and I will respond accordingly.

(Rev. October 2018)

amount reportable on an information return. Examples of information

returns include, but are not limited to, the following.

• Form 1099-INT (interest earned or paid)

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Internal	ternal Revenue Service ► Go to www.irs.gov/FormW9 for instructions and the latest information.											
	1 Name (as shown	on your income tax return). Name is required on this line; d	o not leave this line blank.									
	County of Coll	in										
		disregarded entity name, if different from above										
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3.							4 5		/			
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'n	☐ Individual/sole	e proprietor or $\ \square$ C Corporation $\ \square$ S Corporation	Partnership	☐ Tru	st/es	tate						
35.						Exer	npt paye	e cod	e (if a	ny)	3	
Print or type. c Instructions	☐ Limited liabilit	ty company. Enter the tax classification (C=C corporation, S	-S corporation P-Partner	rshin) 🕨								
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str		the appropriate box in the line above for the tax classification is classified as a single-member LLC that is disregarded fr					'					
<u> </u>		hat is not disregarded from the owner for U.S. federal tax p			er LL	.C that	t code (if any)					
H iĝi	is disregarded	d from the owner should check the appropriate box for the t	ax classification of its own	er.								
Print or type. Specific Instructions on	✓ Other (see insection)		nment				(Applies to accounts maintained outside the U.S.)					he U.S.)
S	5 Address (number	r, street, and apt. or suite no.) See instructions.		Request	ter's	name a	nd ac	idress (d	option	al)		
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	Makinnay TV	75071		Austin								
	McKinney, TX	ber(s) here (optional)		/ tabell	., .,							
	I List account num	ber(3) here (optional)										
Par		yer Identification Number (TIN)										
Enter	your TIN in the app	propriate box. The TIN provided must match the nan	ne given on line 1 to av	oid	Soc	ial sec	urity	numbe	<u>-</u>			
		individuals, this is generally your social security nun		ora				1 1		1		
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	TT 0											
Part												
Under	penalties of perju	ry, I certify that:										
1. The	number shown or	n this form is my correct taxpayer identification numl	ber (or I am waiting for	a numbe	er to	be iss	ued 1	to me);	and			
2. I am	not subject to ba	ackup withholding because: (a) I am exempt from bac	ckup withholding, or (b)) I have r	not b	een no	otifie	d by th	e Inte	rnal	Rever	nue
		n subject to backup withholding as a result of a failur	e to report all interest of	or dividei	nds,	or (c)	the I	RS nas	notifi	ea m	ne tha	it i am
	•	packup withholding; and										
		other U.S. person (defined below); and										
		ntered on this form (if any) indicating that I am exem										
Certifi	Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because							ecause				
you ha	ve failed to report a	all interest and dividends on your tax return. For real es	tate transactions, item 2	does no	t ap	ply. Fo	r moi	tgage i	nteres	t pai	d,	
acquis	ition or abandonme	ent of secured property, cancellation of debt, contributi vidends, you are not required to sign the certification, b	ons to an individual retir	ement ar	rang	ement	(IKA ho.in), and g	enera	lly, p	ayme	nts
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General Instructions • Form funds)				viderius,	IIICI	uding	11103	5 II OI II .	SIUCK	3 01 1	ilutud	ai
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Future developments. For the latest information about developments • Form 1099-B (stock or mutual fund sales and certain other												
related to Form W-9 and its instructions, such as legislation enacted transactions by brokers)												
after they were published, go to www.irs.gov/FormW9. • Form 1099-S (proceeds from real estate transactions)												
Dir	nose of Eor											
Purpose of Form • Form 1099-K (merchant card and third party network transactions)												
An individual or entity (Form W-9 requester) who is required to file an Form 1098 (home mortgage interest), 1098-E (student loan interest),						esi),						
		he IRS must obtain your correct taxpayer	1098-T (tuition)		L-1\							
		N) which may be your social security number er identification number (ITIN), adoption	• Form 1099-C (can					_	_			
		umber (ATIN), or employer identification number	 Form 1099-A (acqu 						-			
	to report on an infe	Use Form W-9 only if you are a U.S. person (including a resident										

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

alien), to provide your correct TIN.



Memorandum of Agreement

W.G. Procter, County Judge of Collin County, Texas 700A Wilmeth RD McKinney, TX 75069

County: Collin

Highway No.: FM 455

Location: From East Fork Trinity River Relief West to East Fork Trinity River

Relief East

Project No.: BR 2023 (215) ROW CSJ No.: 0816-04-109

District: Dallas

Parcel No.: P00059527

Dear Property Owner(s):

You have indicated a willingness to sign a deed for your property which consists of 1.0779 acres (46,953 square feet) located at 3821 FM 455 Anna, TX 75009.

It is important to confirm this agreement in order to avoid any possible misunderstanding as to the details of the purchase or the process by which the Texas Department of Transportation (TxDOT) will make payment. The payment of \$268,612.00 as herein agreed will constitute full payment to be made by TxDOT for the property to be conveyed to the State.

TxDOT and the owner(s) have agreed to the following provisions.

Until payment is made by TxDOT, title and possession of the property to be conveyed remains with you. You shall bear all risk of loss to any and all such property prior to such payment. Either you or TxDOT shall have the right to terminate this agreement.

The payment of the amount herein stated, and the terms provided constitute the only promises, consideration, and conditions of this purchase; and no other promises, consideration or conditions have been signified or implied, save and except any benefits which may accrue under the State's Relocation Assistance Program and the mutual benefits to be derived by you and TxDOT from the signing of this agreement.

The State, without cost to the owner, will pay the cost of recording all instruments conveying title to the State.

It is suggested that you carefully review the proposed Right of Way Deed and satisfy yourself (selves) as to its provisions. With your signing of this agreement and execution of the deed the State will proceed with the issuance of a State warrant which will be made out jointly to you and to Fidelity National Title Insurance Company.

This company has been designated as the State's closing agent and is responsible to see that TxDOT obtains clear title. They will not endorse the warrant and make payment until clear title is secured. At the same time, you have the right to withhold endorsement of the warrant and not accept payment until you

are fully satisfied on all details of the transaction.

	Sincerely,
	Eurune Nanova
	Sunshine Vanover, PMP, SR/WA Divisional Director O.R. Colan Associates, LLC
	O.R. Colail Associates, LLC
I (We) fully understand the Texas Department o and hereby acknowledge receipt of the brochure	f Transportation proposal as contained in this agreement entitled "Relocation Assistance."
I (We) understand that relocation assistance bene	efits are handled entirely separate from and in addition to of the Right of Way Deed is based on this understanding.
Property Owners Signature 7 MARCH 2023	Property Owners Signature
Date	Date
Property Owners Signature	Property Owners Signature
Date	Date



Information About Brokerage Services

11-2-2015

EQUAL HOUSING OPPORTUNITY

Texas law requires all real estate license holders to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.

TYPES OF REAL ESTATE LICENSE HOLDERS:

- A BROKER is responsible for all brokerage activities, including acts performed by sales agents sponsored by the broker.
- A SALES AGENT must be sponsored by a broker and works with clients on behalf of the broker.

A BROKER'S MINIMUM DUTIES REQUIRED BY LAW (A client is the person or party that the broker represents):

- Put the interests of the client above all others, including the broker's own interests;
- Inform the client of any material information about the property or transaction received by the broker;
- Answer the client's questions and present any offer to or counter-offer from the client; and
- Treat all parties to a real estate transaction honestly and fairly.

A LICENSE HOLDER CAN REPRESENT A PARTY IN A REAL ESTATE TRANSACTION:

AS AGENT FOR OWNER (SELLER/LANDLORD): The broker becomes the property owner's agent through an agreement with the owner, usually in a written listing to sell or property management agreement. An owner's agent must perform the broker's minimum duties above and must inform the owner of any material information about the property or transaction known by the agent, including information disclosed to the agent or subagent by the buyer or buyer's agent.

AS AGENT FOR BUYER/TENANT: The broker becomes the buyer/tenant's agent by agreeing to represent the buyer, usually through a written representation agreement. A buyer's agent must perform the broker's minimum duties above and must inform the buyer of any material information about the property or transaction known by the agent, including information disclosed to the agent by the seller or seller's agent.

AS AGENT FOR BOTH - INTERMEDIARY: To act as an intermediary between the parties the broker must first obtain the written agreement of *each party* to the transaction. The written agreement must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. A broker who acts as an intermediary:

- Must treat all parties to the transaction impartially and fairly;
- May, with the parties' written consent, appoint a different license holder associated with the broker to each party (owner and buyer) to communicate with, provide opinions and advice to, and carry out the instructions of each party to the transaction.
- Must not, unless specifically authorized in writing to do so by the party, disclose:
 - o that the owner will accept a price less than the written asking price;
 - o that the buyer/tenant will pay a price greater than the price submitted in a written offer; and
 - o any confidential information or any other information that a party specifically instructs the broker in writing not to disclose, unless required to do so by law.

AS SUBAGENT: A license holder acts as a subagent when aiding a buyer in a transaction without an agreement to represent the buyer. A subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first.

TO AVOID DISPUTES, ALL AGREEMENTS BETWEEN YOU AND A BROKER SHOULD BE IN WRITING AND CLEARLY ESTABLISH:

- The broker's duties and responsibilities to you, and your obligations under the representation agreement.
- Who will pay the broker for services provided to you, when payment will be made and how the payment will be calculated.

LICENSE HOLDER CONTACT INFORMATION: This notice is being provided for information purposes. It does not create an obligation for you to use the broker's services. Please acknowledge receipt of this notice below and retain a copy for your records.

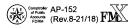
O.R. Colan Associates, LLC	9004955	svanover@orcolan.com		512-949-5933	
Licensed Broker /Broker Firm Name or Primary Assumed Business Name	License No.	Email		Phone	
Sunshine Vanover	0593814	svanover@orcolan.com		512-949-5933	
Designated Broker of Firm	License No.	Email		Phone	
Sunshine Vanover	0593814	svanover@orcolan.com		512-949-5933	
Licensed Supervisor of Sales Agent/ Associate	License No.	Email		Phone	
Toni Reece	714716	treece@orcolan.com		512-949-5933	
Sales Agent/Associate's Name	License No.	Email		Phone	
	XA		7 MARCH 2023		
Buyer/Tena	ant/Seller/Landlo	rd Initials	Date		



Landowner's Bill of Rights Acknowledgment

County: ROW CSJ: Highway: Limits: Parcel: Owner: Judge	Collin 0816-04-109 FM 455 Limits: From East Fork Trinity River Relief West to East Fork Trinity River Relief East P00059527 W.G. Procter, County Judge of Collin County, Texas and his successors in office, Chris Hill, County
Re:	Texas Landowner's Bill of Rights
I/We, COL	in County, hereby acknowledge receipt on 27, February 2023, of a copy of
Texas Landown	ner Bill of Rights, revision date of January 2022.
Chris F Printed Name	till, County Judge
Signature	
972-54. Phone Number	8-4631

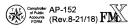
Email



Application for Texas Identification Number

•	See	instructions on back				<u> </u>
1	. Is t	this a new account? YES Mail Code 000 NO Ente		Ag	ency number ட	
Section 1		Texas Identification Number (TIN) - Indicate the type of number you ✓ Employer Identification Number (EIN) (9 digits) ☐ Social Security number (SSN) (9 digits) ☐ Individual Taxpayer Identification Number (ITIN) (9 digits) ☐ Comptroller's assigned number (FOR STATE AGENCY USE ONLY) ☐ Current Texas Identification Number (FOR STATE AGENCY USE ONLY) Are you currently reporting any Texas tax to the Comptroller's office such as sales tax or franchise tax? ✓ NO	Enter the number indice Y) (11 digits) ONLY) (11 digits) If "YES." ent	cated 7,5,6	, 0 , 0 , 0 , 8 ,	7 , 6 ,
Section 2	4. 5. 6. 7.	ee Information (Please type or print) Name of payee (Individual or business to be paid) Collin County, Texas Mailing address where you want to receive payments 2300 Bloomdale Rd (Optional) (Optional) City State ZIP co McKinney	5,0,7,1,-			
		Payee telephone number (Area code and number) 9,7,2 5,4,8,—,3,7,3, Ownership Codes - Check only one code by the appropriate ownersh		Security type code to you or your busin	∍ ـــــ (0, 1, 2) c	one ode
Section 3		□ I - Individual Recipient (not owning a business) □ S - Sole Ownership (Individual owning a business): If checked, enter the owner's name and Social Security number (SSN) Owner's name □ SSN / ITIN (9 digits) □ P - Partnership: If checked, enter two partner's names and Social Security numbers (SSN). If a partner is a corporation, use the corporation's Employer Identification Number (EIN). Name □ SSN / ITIN / EIN (9 digits) □ N- Other: If checked, explain.	L - Texas Lim If checked Texas File T - Texas Cor If checked Texas File A - Profession If checked Texas File C - Profession If checked Texas File O - Out-of-Sta	inited Partnership: Id, enter the Number Inporation: Id, enter the Number Id, enter the Id, e		
Section 4	12.	Payment Assignment? YES NO Note: A copy of the Assignee name Assignee TIN	e assignment agree Assignment	ment between payed	es must be attache	ed.
Section 5	13. 14.	Sign here Authorized signature (Applicant or authorized agent)		Date 7 MAZ	201 2023	
Sec	15.	Agency name	Prepared by		Phone (Area code an	d number)

For Comptroller's use only



Application for Texas Identification Number

•	see	nstructions on back
1	. Is t	is a new account? ✓ YES Mail Code 000
Section 1		Texas Identification Number (TIN) - Indicate the type of number you are providing to be used for your TIN Employer Identification Number (EIN) (9 digits) Social Security number (SSN) (9 digits) Individual Taxpayer Identification Number (ITIN) (9 digits) Comptroller's assigned number (FOR STATE AGENCY USE ONLY) (11 digits) Current Texas Identification Number (FOR STATE AGENCY USE ONLY) (11 digits) Are you currently reporting any Texas tax to the Comptroller's office such as sales tax or franchise tax? YES NO Taxpayer Number
Section 2	4.5.6.7.	e Information (Please type or print) Name of payee (Individual or business to be paid) Collin County, Texas and Fidelity National Title Insurance Company Mailing address where you want to receive payments 2006 West Campbell Road, Suite 200 (Optional) (Optional) (Optional)
		City State ZIP code T, X, 7, 5, 0, 4, 4, - 2, 3, 1, 3 Payee telephone number (Area code and number) 9, 7, 2, 4, 0, 1, - 7, 8, 0, 0, SIC code
Section 3	11.	Ownership Codes - Check only one code by the appropriate ownership type that applies to you or your business. I - Individual Recipient (not owning a business)
Section 4	12.	Payment Assignment? YES NO Note: A copy of the assignment agreement between payees must be attached. Assignee name Assignee TIN Assignment date Assignment date
5	13.	Comments
Section !	14.	sign here Authorized signature (Applicant or authorized agent) 7 MARCH 2023
Š	15.	Agency name Prepared by Phone (Area code and number)

For Comptroller's use only



ACKNOWLEDGMENT OF RECEIPT OF APPRAISAL REPORT

County: Collin

District: Dallas

Federal Project No: BR 2023 (215)

Parcel No.: P00059527

ROW CSJ No.: 0816-04-109

Highway: FM 455

I, <u>Collin County, Texas</u>, hereby acknowledge receipt on February 27, 2023 of a copy of an appraisal report prepared by <u>Christi Glendinning</u> dated, 10/19/2022, related to the above parcel. I acknowledge that this appraisal report is subject to the copyright laws of the United States and that any republication or redisclosure is prohibited without the express written consent of the Texas Department of Transportation.

Signature of Owner(s)

7MARCH 2023

Date