

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 SO THAT 5.944 ACRES OF LAND IN THE HUNT SURVEY, IS ZONED PLANNED CENTER DISTRICT; PROVIDING FOR SITE PLAN APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

THAT WHEREAS, the owner or owners of 5.944 acres of land in the Hunt Survey, have petitioned the City of McKinney to zone such property "Planned Center District", and

WHEREAS, after due notice of the requested rezoning as required by law, and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of McKinney, Texas, the City Council is of the opinion that such zoning change should be made.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

SECTION I: That 5.944 acres of land more fully described in the attached Exhibit "A" are hereby rezoned from its present classification of agricultural to Planned Center District.

SECTION II: The following special development regulations shall apply: A complete site plan shall be submitted to and receive the approval of the City Council of the City of McKinney, Texas, prior to development. Also prior to development, a plat, and Facilities Agreement shall be filed at the County Court House. The amount of screening, and the timing of the provision of this screening shall be stipulated in the agreement. The tract may be used for warehouse purposes.

SECTION III: If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect

the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION IV: It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefor, shall be fined any sum not exceeding \$200.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

SECTION V: The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, on this the 16th day of July, 1985.

CORRECTLY ENROLLED:



JENNIFER CRAVENS
CITY SECRETARY

EXHIBIT A

DESCRIPTION 5.944 Acres of Land
TRACT NO. 3

SITUATED in Collin County, Texas, in the W.H. Hunt Survey, Abstract No. 450, being a resurvey of the 4.96 acre tract described in a deed from J.P. (Paul) Enloe to H.L. Andrews and wife, Beulah Andrews, et al, dated April 3, 1969, recorded in Volume 730, Page 367 of the Collin County Deed Records, and a part of the 9.96 acre tract described in a deed from J.P. (Paul) Enloe, et ux, Mary Enloe, to William Neal Loftice, dated June 9, 1967, recorded in Volume 691, Page 463 of the Collin County Deed Records, being described by metes and bounds as follows:

BEGINNING at an existing iron pin set at the northwest corner of said 4.96 acre tract in an established east-west fence at the junction of an established fence from the south, same being the northeast corner of said 9.96 acre tract;

THENCE North $89^{\circ} 04'$ East, 290.94 feet with the north line of said 4.96 acre tract and with an established fence to an existing iron pin set at the northeast corner of said 4.96 acre tract for a corner;

THENCE South $0^{\circ} 07' 35''$ East, 837.0 feet with an established fence and with the east line of said 4.96 acre tract to a point in the north R.O.W. line of U.S. Highway No. 380 for a corner;

THENCE North $88^{\circ} 36'$ West, 166.0 feet with said north R.O.W. line to a point in a north-south fence line for a corner;

THENCE North $2^{\circ} 54'$ East, 204.65 feet with said north-south fence line to an iron pin set beside a corner post for a corner;

THENCE North $87^{\circ} 59'$ West, 207.72 feet with an established east-west fence and with a south line of said 4.96 acre tract and a south line of said 9.96 acre tract to an iron pin set in said fence and in said south line of said 9.96 acre tract for a corner;

THENCE North $0^{\circ} 01' 09''$ West, 614.61 feet to an iron pin set in the north line of said 9.96 acre tract for a corner;

THENCE North $88^{\circ} 28'$ East, 70.67 feet with said north line to the PLACE OF BEGINNING and containing 5.944 acres of land.

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