

ORDINANCE NO. 1043

AN ORDINANCE CLOSING AND ABANDONING THAT SEGMENT OF ACKER STREET EXTENDING EASTWARD 265 FEET TO AN UNNAMED ALLEY FROM THE EAST RIGHT-OF-WAY OF COLEMAN STREET IN THE WILLIAM DAVIS ADDITION TO THE CITY OF MCKINNEY, TEXAS; RESERVING A PUBLIC UTILITY EASEMENT; PROVIDING FOR RESTRICTIONS; PROVIDING FOR A PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE THEREOF.

WHEREAS; all the owners of real property abutting that segment of Acker Street lying and situated between the East Right-of-way line of Coleman Street and running in an Easterly direction a distance of 265 feet to the West Right-of-way line of an unnamed alley in the William Davis Addition to the City of McKinney, Texas have petitioned said City to close and abandon said portion of Acker Street and its Right-of-way; and

WHEREAS; the City Council has investigated said petition and request and has determined that except for utility easement purposes, this particular segment of Acker Street and its Right-of-way is no longer of any public use and benefit; and

WHEREAS; the City Council believes that such action would abate a nuisance under the provisions of Article 1016, Vernon's Annotated Texas Statutes and would constitute a benefit and asset to the citizens of the City of McKinney, Texas;

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

SECTION 1: That the street and street right-of-way described hereinafter, be and the same is by the terms of this ordinance declared closed and abandoned, to wit;

SITUATED in Collin County, Texas, and being located in the City of McKinney and being a re-survey of all of Lots 27,28,29,30, 31,32 and 33 of Block B of the Millie Muse Addition, an addition to the City of McKinney, according to the filed plat recorded in Volume 1, page 75 of the Collin County Map and Plat Records and being more fully described as follows.

BEGINNING at an iron stake at the Southwest corner of Lot 27 of the said Addition. Said stake being at the intersection of the East Right-of-way line of Coleman Street and the North Right-of-way line of Acker Street.

THENCE North 67 deg. 39 min. West along the North R-O-W line of Acker Street a distance of 265.0 feet for a corner; said point being at the intersection of the West Right-of-way line of an unnamed alley and the North Right-of-way line of Acker Street;

THENCE South 0 deg. 37 min. 53 seg. East a distance of 30 feet for a corner; said point being the South Right-of-way line of Acker Street;

THENCE South 67 deg. 39 min. East along the South R-O-W line of Acker Street a distance of 265.0 feet for a corner; said point being at the intersection of the East Right-of-way line of Coleman Street and the South Right-of-way line of Acker Street;

THENCE in North 0 deg. 37 min. 53 seg. West a distance of 30 feet to POINT OF BEGINNING

SAVE AND EXCEPT that the City of McKinney, Texas reserves the right to install or maintain Public Utilities in and on this property forever.

SECTION 2: It is further provided that in the event cross fences are erected in above said easement; there must be gates provided for access to said easement and it is further provided that no permanent buildings be erected within the limits of said easement.

SECTION 3: That the caption of this ordinance shall be published in a newspaper having general circulation in the City of McKinney and shall be effective upon its passage and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THIS THE 3d DAY OF January, 1978, A.D.

CORRECTLY ENROLLED:

Patricia B. Cox  
Patricia B. Cox, City Secretary