

ORDINANCE NO. 96-11-53

AN ORDINANCE AMENDING PLANNED DEVELOPMENT ZONING ORDINANCES NO. 1605 AND 1870 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT A 52.996 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF WILSON CREEK PARKWAY, IMMEDIATELY EAST OF THE MCKINNEY HIGH SCHOOL IS ZONED "PD-RS-55" PLANNED DEVELOPMENT - SINGLE FAMILY RESIDENTIAL DISTRICT AND "PD-C" PLANNED DEVELOPMENT - PLANNED CENTER DISTRICT; PROVIDING REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the owner of a tract of land located on the north side of Wilson Creek Parkway, immediately east of the McKinney High School, in the City of McKinney, Collin County, Texas, has petitioned the City of McKinney to rezone such parcel of land to "PD-RS-55" - Planned Development - Single Family Residential District and "PD-C" Planned Development - Planned Development District, a complete legal description of such property being attached hereto and marked as Exhibit "A," and made a part hereof for all purposes; and,

WHEREAS, after due notice of the requested zoning 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 said rezoning should be made.

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

SECTION 1. The subject tract of land, located on the north side of Wilson Creek Parkway, immediately east of the McKinney High School, in the City of McKinney, Collin County, Texas, which is more fully described on Exhibit "A" and depicted on Exhibit "B" attached hereto, is hereby rezoned to "PD-RS-55" - Planned Development Single Family Residential District, and "PD-C" Planned Development - Planned Center District.

SECTION 2. The proposed "PD-C" Planned Development Planned Center District as depicted on Exhibit "B" herein reconfigured shall be developed according to the same regulations of Planned Development Ordinance 1870,

SECTION 3. The proposed "PD-RS-55" Planned Development - Single Family Residence District shall be developed in accordance with the standards of the "RS-60" Single Family Residence District of Zoning Ordinance 1270, or as it may be amended from time to time. Space limits which shall differ from those of the "RS-60" District:

- (a) Minimum front yard: Twenty (20) feet
- (b) Minimum rear yard: Twenty (20) feet.
- (c) Minimum interior side yard: Five (5) feet.
- (D) Minimum lot size: Five Thousand Five Hundred (5,500) Square Feet.

SECTION 4. 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 5. 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 6. The no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, or specific regulations contained herein. The ordinance and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

SECTION 7. 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 19th DAY OF November, 1996.



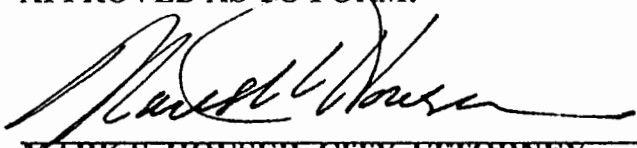
JOHN E. GAY, MAYOR

CORRECTLY ENROLLED:



JENNIFER G. SMITH, CITY SECRETARY

APPROVED AS TO FORM:



MARK S. HOUSER, CITY ATTORNEY

SITUATED in the City of McKinney, Collin County, Texas and being a resurvey of part of a tract of land called 52.996 acres conveyed by FEDERAL DEPOSIT INSURANCE CORPORATION to DON MOTSENBOCKER by Special Warranty Deed and Bill of Sale dated December 30, 1992 and filed for record December 31, 1992 in Collin County Deed Records Clerk's File 92-0092816; and, being part of "PARK PLACE", an addition to the City of McKinney recorded September 18, 1985 in Cabinet F, Slide 366 in the Map and Plat Records of Collin County, Texas; and, part of the said 52.996 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found for corner in an existing north-south fence approximately 8 feet east of the west boundary line of the Ed Bradley Survey, Abstract #85 in the east line of an eight foot wide strip of land conveyed by Mrs. S.M. Bengé to J.J. Thompson by deed dated March 28, 1906 and recorded in Volume 142, page 13 of the Deed Records of Collin County, Texas and 3.0 feet south of the corner post of a fence to the east and to the north. Said POINT OF BEGINNING lying at the northwest corner of the hereinabove mentioned "PARK PLACE" addition and of the 52.996 acre tract at the southwest corner of a 14.78 acre tract of land conveyed by T.L. Ray et ux, Mabel Ray, to Ruth Horn Weeks by deed dated February 5, 1946 and recorded in Volume 362, page 66 of the Deed Records of Collin County, Texas; and,

THENCE: S 08° 12' 00" W 1372.07 feet along the east line of said 8 foot strip of land approximately 8 feet east of the west line of the Ed Bradley Survey, along the west lines of the hereinabove described "PARK PLACE" addition and the 52.996 acre tract; and, along and near an established fence to an iron rod set for corner therein; and,

THENCE: Upon and across the hereinabove referenced 52.996 acre tract of land as follows:
1.) N 85° 48' 00" E 132.00 feet to a 1/2 inch iron rod set for corner; and,
2.) S 48° 12' 00" E 30.00 feet to a 1/2 inch iron rod set for corner; and,
3.) N 85° 48' 00" E 515.67 feet to a 1/2 inch iron rod set for corner; and,
4.) S 08° 53' 31" E 484.57 feet to a 1/2 inch iron rod set for corner in the south line of the hereinabove referenced 52.996 acre tract; and, in the north right-of-way of Wilson Creek Parkway, a 100 foot right-of-way dedicated for public use by the hereinabove referenced "PARK PLACE" addition Final Plat; and,

THENCE: N 81° 06' 29" E 41.94 feet along the south line of the said 52.996 acre tract; and, along the north right-of-way of Wilson Creek Parkway to an iron rod found for corner at the beginning of a circular curve to the east whose center bears S 88° 53' 31" E 2039.64 feet; and,

THENCE: Along the south line of the said 52.996 acre tract; and, along the north right-of-way of Wilson Creek Parkway; and, along the circular curve to the east through a central angle of 108° 54' 44" for an arc distance of 388.46 feet to a "PK" nail found for corner at the most southerly southwest corner of "PARK PLACE - PHASE I" addition, an addition to the City of McKinney recorded in Cabinet G, Slide 219 of the Map and Plat Records of Collin County, Texas; and, said "PARK PLACE - PHASE I" addition being part of that same 29.9590 acres of land conveyed by VANRO PROPERTIES CORPORATION to CENTENNIAL HOMES, INC. by deed dated May 27, 1986 and recorded in Volume 2375, Page 792 of the Deed Records of Collin County, Texas; and, said "PK" nail found for corner also lying in the center of Big Bend Drive, a 50 foot right-of-way; the east

EXHIBIT "A"

25 feet of said 50 ft. right-of-way dedicated for public use by the herein above referenced "PARK PLACE - PHASE I" addition Final Plat; and,

THENCE: N 28° 01' 11" E 39.49 feet along the east line of the said 52.996 acre tract; and, along the center of Big Bend Drive; and, along the west line of the "PARK PLACE - PHASE I" addition to a "PK" nail found for corner at the beginning of a circular curve to the north whose center bears S 87° 58' 49" E 265.00 feet; and,

THENCE: Along the east line of the said 52.996 acre tract; and, along the center of Big Bend Drive; and, along the west line of "PARK PLACE - PHASE I" addition; and, along the circular curve to the north through a central angle of 61° 59' 51" for an arc distance of 286.75 feet to a "PK" nail found for corner; and,

THENCE: N 64° 01' 02" E 124.59 feet along the east line of the said 52.996 acre tract; and, along the center of Big Bend Drive; and, along the west line of "PARK PLACE - PHASE I" addition to a "PK" nail found for corner at the beginning of a circular curve to the northwest whose center bears N 25° 58' 58" W 225.00 feet; and,

THENCE: Along the east line of the said 52.996 acre tract; and, along the center of Big Bend Drive; and, along the west line of "PARK PLACE - PHASE I" addition; and, along the circular curve to the northwest through a central angle of 22° 01' 13" for an arc distance of 86.47 feet to a "PK" nail found for corner; and,

THENCE: N 41° 59' 49" E 137.27 feet along the east line of the said 52.996 acre tract; and, along the center of Big Bend Drive; and, along the west line of "PARK PLACE - PHASE I" addition to a "PK" nail found for corner at the beginning of a circular curve to the northwest whose center bears N 48° 00' 11" W 325.00 feet; and,

THENCE: Along the east line of the said 52.996 acre tract; and, along the center of Big Bend Drive; and, along the west line of "PARK PLACE - PHASE I" addition; and, along the circular curve to the northwest through a central angle of 13° 34' 24" for an arc distance of 76.99 feet to a "PK" nail found for corner at the beginning of a circular curve to the north whose center bears N 14° 23' 34" E 250.00 feet; and,

THENCE: Leaving the center of Big Bend Drive along the east line of the said 52.996 acre tract; and, along the west line of the said "PARK PLACE - PHASE I" addition; and, along the circular curve to the north through a central angle of 73° 45' 26" for an arc distance of 321.83 feet to an iron rod found for corner; and,

THENCE: N 18° 51' 00" W 320.67 feet along the east line of the said 52.996 acre tract; and, along a cross-tie retaining wall and fence to a "PK" nail found for corner at an inner corner of the said "PARK PLACE - PHASE I" addition in the center of Lassen Lane, a 50 foot right-of-way dedicated for public use by the aforesaid "PARK PLACE - PHASE I" addition; and,

THENCE: S 89° 43' 44" W 296.75 along the east line of the said 52.996 acre tract; and, along the center of Lassen Lane and the most northerly south line of the said "PARK PLACE - PHASE I" addition to a "PK" nail found for corner at the intersection of the center of Lassen Lane and the center of Baker Street a 50 foot

right-of-way; and, at the most northerly southwest corner of the "PARK PLACE - PHASE I" addition; and, at the beginning of a circular curve whose center bears N 75° 28' 03" W 202.18 feet; and,

THENCE: Along the east line of the said 52.996 acre tract; and, along the center of Baker Street; and, along the west line of "PARK PLACE - PHASE I" addition; and, along the circular curve through a central angle of 14° 56' 13" for an arc distance of 52.71 feet to a "PK" nail found for corner in the center of Baker Street in the west line of the "PARK PLACE - PHASE I" addition; and,

THENCE: S 89° 35' 44" W along the east line of the 52.966 acre tract leaving the "PARK PLACE - PHASE I" addition at 25.00 feet passing a 6" x 8" wood post monument for corner at the southeast corner a 0.688 acre tract of land conveyed to Harry Whitmore by deed dated July 10, 1973 and recorded in Volume 875, Page 653 of the deed Records of Collin County, Texas; and, continuing S 89° 35' 44" W along the south line of said 0.688 acre tract 200.00 feet for a total distance of 225.00 feet to a 6" x 8" wood post monument for corner at the southwest corner of the said 0.688 acre tract; and,

THENCE: N 0° 25' 46" W 150.00 feet along the east line of the said 52.996 acre tract and the west line of the aforesaid 0.688 acre tract to a 6" x 8" wood post monument; and, for corner at its northwest corner; and,

THENCE: N 89° 36' 00" E 80.00 feet along the east line of the said 52.996 acre tract; and, along the north line of the said 0.688 acre tract to an iron rod found for corner therein at the south-west corner of a tract of land conveyed to C.M. Jones by deed dated August 21, 1962 and recorded in Volume 603, Page 416 of the Deed Records of Collin County, Texas; and,

THENCE: N 0° 23' 00" W 96.50 feet along the east line of the said 52.996 acre tract; and, along the west line of the said C.M. Jones tract passing an iron rod found for corner at its northwest corner; and, also being the southwest corner of a tract of land conveyed to Royce Lawson by deed dated October 10, 1970 and recorded in Volume 768, Page 542 of the Deed Records of Collin County, Texas; and continuing N 0° 23' 00" W 96.50 feet along the west line of the Lawson tract for a total distance of 193.00 feet to an iron rod found for corner at its northwest corner; and,

THENCE: N 89° 36' 00" E 120.00 feet along the east line of the said 52.996 acre tract; and, along the north line of the Lawson tract to an iron rod found for corner at its northeast corner lying in the west right-of-way of Baker Street, a 50 foot right-of-way; and,

THENCE: N 0° 23' 28" W 26.29 feet along the east line of the said 52.996 acre tract; and, along the west right-of-way of Baker Street to an iron rod found for corner at the southeast corner of a tract of land conveyed to H.C. Stanton by deed dated May 7, 1960 and recorded in Volume 566, Page 199 of the Deed Records of Collin County, Texas; and,

THENCE: S 89° 36' 00" W 120.00 feet along the east line of the said 52.996 acre tract; and, along the south line of the Stanton tract to an iron rod found for corner at its southwest corner; and,

THENCE: N 08 23' 00" W 75.00 feet along the east line of the said 52.996 acre tract; and, along the west line of the Stanton tract to an iron rod found for corner at its northwest corner; and,

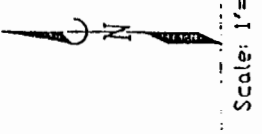
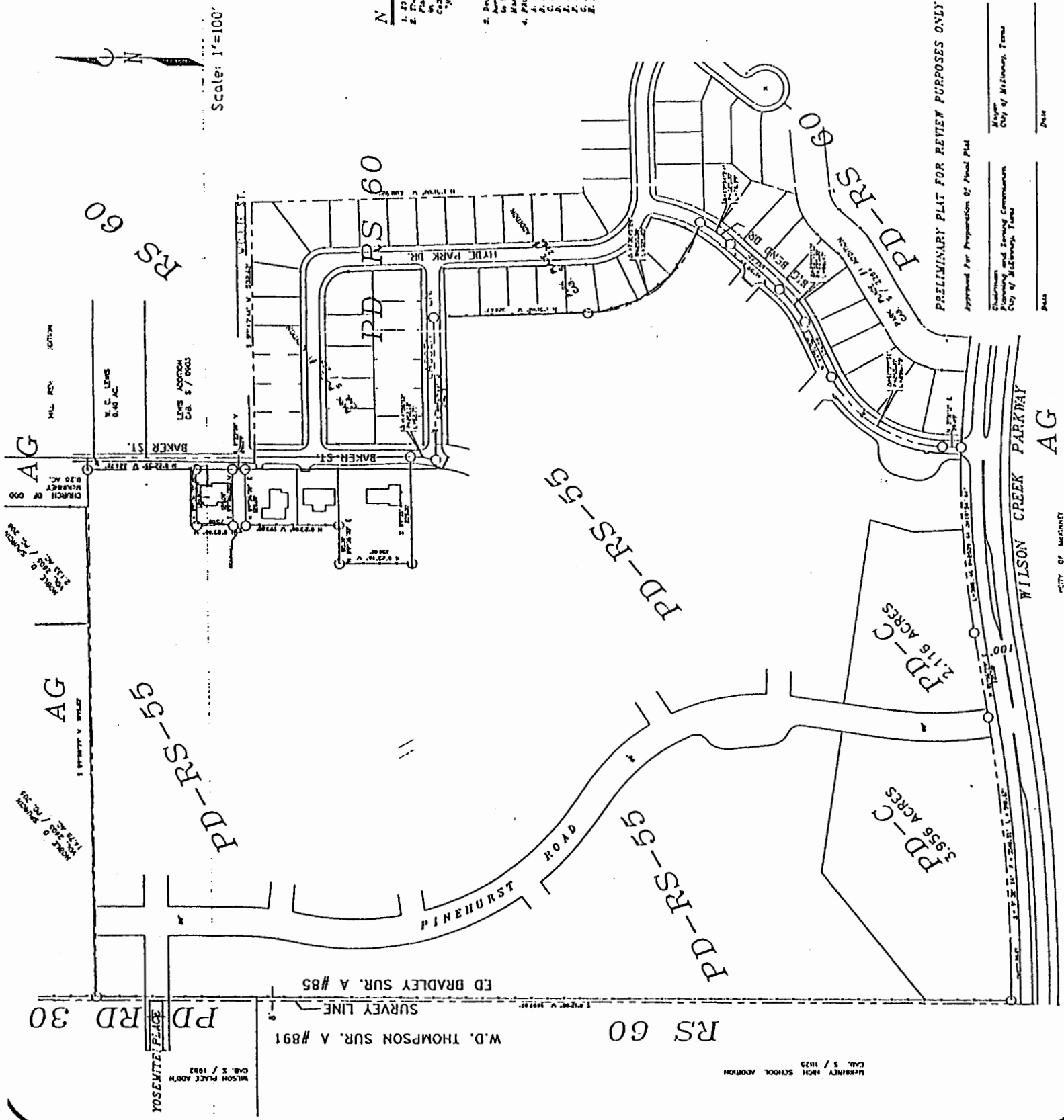
THENCE: N 898 36' 00" E 120.00 feet along the east line of the said 52.966 acre tract; and; and, along the north line of the Stanton tract to a hole found cut in the concrete driveway for corner lying in the west right-of-way of Baker Street at the northeast corner of the Stanton tract; and,

THENCE: N 08 22' 59" W 224.72 feet along the east line of the said 52.966 acre tract; and, along the west right-of-way of Baker Street to an iron rod found for corner in the west right-of-way of Baker Street lying in the north line of the "PARK PLACE" addition S 898 28' 39" W 25.00 feet from the most northerly northeast corner of the "PARK PLACE" addition where an iron rod was found for corner in the center of Baker Street; and,

THENCE: S 898 28' 39" W 1095.83 feet approximately 3.0 feet south of an existing fence part of the way along the north line of the said 52.996 acre tract; and, along the north line of the herein above referenced "PARK PLACE" addition, along the South line of a tract of land conveyed to the Church of God by deed dated April 9, 1976 and recorded in Volume 995, page 795; and, along the south line of a tract of land conveyed to Ruth Horn Weeks and Jack Weeks by Probate Court Minutes dated November 27, 1974 and recorded in P.C.M. Records Volume 156, page 563; and, along the south line of the hereinabove referenced 14.78 acre tract of land conveyed to Ruth Horn Weeks to the PLACE OF BEGINNING and containing 52.996 acres of land more or less portions of which lie within public roads; and, being subject to easements for electric power, telephone, gas, and sanitary sewer. No record could be found for the dedication to public use of the west one half of the 50 ft. right-of-way for Big Bend Drive; or, for the south one half of the 50 ft. right-of-way for Lassen Lane; or for the south portion of Baker Street, in so far as these rights-of-way adjoin the east line of the hereinabove described part of the said 52.996 acre tract of land; and, being subject to the following "NOTE" appearing on the Final Plat of "PARK PLACE" addition as recorded in Cabinet F, Slide 366 of the Map and Plat Records of Collin County, Texas:

"NOTE: Existing San. Sew. Lines or Their Easements not Presently Shown or Field Located Shall Have Exact Locations and Easements Established with the Replating of the Individual Tracts."

EXHIBIT "B"



Scale: 1"=100'

NOTES:

1. 201 SINGLE FAMILY LOTS (PD-RS-55)
2. The following table appears on the Final Plat of the PARK PLACE ADDITION as recorded in the Public Records of Tarrant County, Texas, Book 281 of the Plat Records of Tarrant County, Texas.
- NOTE: Existing Secondary Street Lines on their Eastern Side that previously shown on Final Plat should be deleted with the replatting of the individual lots.
3. Development of the land as shown on the plat is subject to the following conditions:
 - a. The minimum lot area shall be 6,500 sq. ft.
 - b. The minimum lot width shall be 80 feet.
 - c. The minimum lot depth shall be 100 feet.
 - d. The minimum front yard setback shall be 25 feet.
 - e. The minimum rear yard setback shall be 5 feet.
 - f. The minimum side yard setback shall be 5 feet.
4. PROPOSED SPACE REQUIREMENTS
 - a. Minimum Lot Area: 6,500 sq. ft.
 - b. Minimum Lot Width: 80 feet.
 - c. Minimum Lot Depth: 100 feet.
 - d. Minimum Front Yard: 25 feet.
 - e. Minimum Rear Yard: 5 feet.
 - f. Minimum Side Yard: 5 feet.

RECORDED
OCT 10 1998

PROPOSED ZONING
WILSON CREEK ADDITION
A REPLAT OF 52.996 ACRES OF
PARK PLACE ADD'N.
CABINET F, PAGE 366
MCKINNEY, COLLIN CO., TEXAS

O W N E R
BUFFALO-WILSON CREEK ASSOCIATES
% STEVEN SEEBERG
104 LACOSTE
CARY, NORTH CAROLINA 27511
(919) 318-1889



POST, BUCKLEY, SCHUH & JERNIGAN, INC.
1600 REDBUD TRAIL, SUITE 304
MCKINNEY, TEXAS 75069
P.O. (972) 562-1900 FAX (972) 542-7800

PRELIMINARY PLAT FOR REVIEW PURPOSES ONLY
Approved For Preparation of Final Plat
Chairman
Planning and Zoning Commission
City of McKinney, Texas
Mayor
City of McKinney, Texas
Date

CITY OF MCKINNEY
OCT 10 1998