

ORDINANCE NO. 2013-02-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ANNEXING CERTAIN TERRITORIES TO THE CITY OF MCKINNEY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of McKinney, Texas has adopted an updated Comprehensive Plan to encourage and coordinate future physical development within its Ultimate Planning Area; and

WHEREAS, the City of McKinney recognizes that certain mechanisms are necessary to implement said Comprehensive Plan; and

WHEREAS, the Comprehensive Annexation Plan is such a mechanism to aid in the implementation of the Comprehensive Plan; and

WHEREAS, the specific purposes of the Comprehensive Annexation Plan are:

1. to aid in implementing the City of McKinney Comprehensive Plan,
2. to define and protect the ultimate boundaries of McKinney,
3. to ensure responsible planning,
4. to encourage quality development in the future, and
5. to ensure the continued attractive and efficient growth of the City; and

WHEREAS, the protection of the public health and general welfare of the people of the City of McKinney requires that such development be in an orderly manner and controlled by the City of McKinney; and

WHEREAS, two public hearings were held before the City Council of the City of McKinney, Texas, on the 15th day of January, 2013, at 5:30 p.m., and on the 15th day of January, 2013, at 6:00 p.m., which dates were not more than 40 (40) days nor less than twenty (20) days prior to the institution of annexation proceedings; and

WHEREAS, a third and final public hearing was held before the City Council of the City of McKinney, Texas, on the 5th day of February, 2013, at 6:00 p.m., to consider the adoption of an ordinance to annex the subject property at the voluntary request of the property owners; and

WHEREAS, notice of such public hearings were published in a newspaper having general circulation in the City of McKinney, Texas, the 30th day of December, 2012, and the 20th day of January 2013, which dates were not more than twenty (20) days nor less than ten (10) days prior to the day of such public hearings; and

WHEREAS, the territory lies adjacent to and adjoins properties within the City of McKinney, Texas;

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

Section 1. The following described and illustrated land and territories lying adjacent to and adjoining properties within the City of McKinney, Texas, are hereby added and annexed to the City of McKinney, Texas, to wit:

**SEE ATTACHED EXHIBIT A (LOCATION MAP)
SEE ATTACHED EXHIBIT B (LEGAL DESCRIPTION)
SEE ATTACHED EXHIBIT D (PROPERTY DESCRIPTION)**

- Section 2. The above described and illustrated territory lying adjacent to and adjoining said territory above shall hereafter be included within the boundary limits of the City of McKinney, Texas, and the present boundary limits of said City, at the various point contiguous to the area described and illustrated above, are altered and amended so as to include said area within the corporate limits of the City of McKinney, Texas.
- Section 3. The Service Plan (Exhibit C) shall be adopted by the McKinney City Council and shall apply to all areas annexed.
- 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. 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 5TH DAY OF FEBRUARY, 2013.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

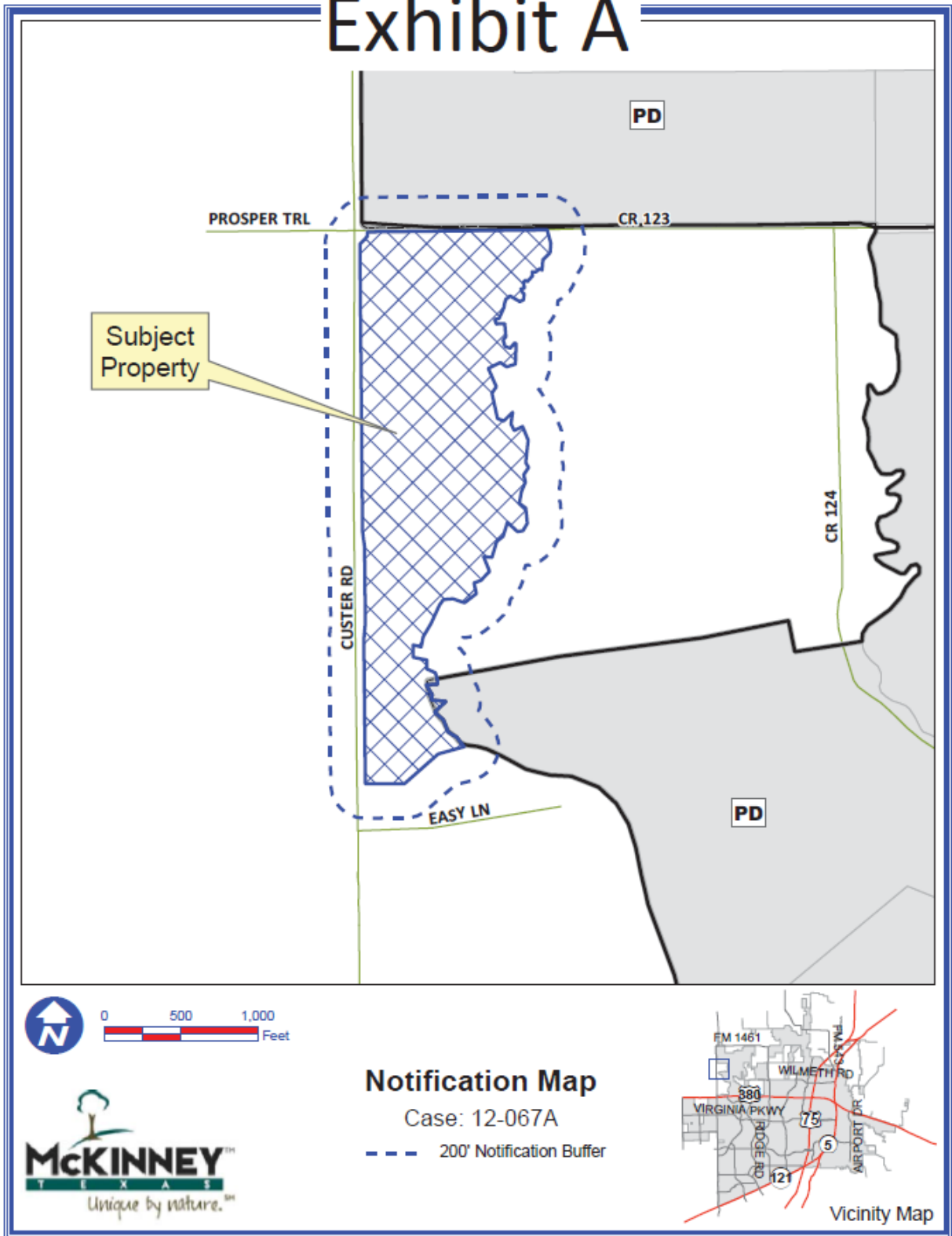
DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

Exhibit A – Location Map

Exhibit A



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

Exhibit B – Legal Description

LEGAL DESCRIPTION

BEING a parcel of land located in Collin County, Texas, a part of the John Crutchfield Survey, Abstract Number 206, and being all of that called 66.609 acre tract of land described as Tract 2 in a special warranty to Clark Partners, L.P. as recorded in Volume 5763, Page 1199 in the Official Public Records of Real Property of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of said Tract 2, said point being the intersection of the east right-of-way line of Farm-to-Market Highway Number 2478 with the centerline of Collin County Road Number 123;

THENCE South 89 degrees 27 minutes 42 seconds East, 1174.84 feet along the north line of said Tract 2 and along the centerline of Collin County Road Number 123 to the northeast corner of said Tract 2;

THENCE along the east line of said Tract 2 and along the center of a small branch of Wilson Creek as follows:

South 13 degrees 11 minutes 41 seconds East, 90.13 feet to a point for corner;
South 04 degrees 49 minutes 11 seconds West, 60.20 feet to a point for corner;
South 46 degrees 28 minutes 03 seconds West, 64.61 feet to a point for corner;
South 06 degrees 22 minutes 18 seconds West, 68.44 feet to a point for corner;
North 54 degrees 47 minutes 25 seconds West, 17.32 feet to a point for corner;
South 50 degrees 27 minutes 12 seconds West, 32.55 feet to a point for corner;
North 89 degrees 04 minutes 48 seconds West, 24.97 feet to a point for corner;
South 03 degrees 07 minutes 10 seconds East, 25.08 feet to a point for corner;
South 40 degrees 47 minutes 35 seconds West, 51.43 feet to a point for corner;
North 53 degrees 39 minutes 31 seconds West, 17.37 feet to a point for corner;
South 40 degrees 11 minutes 24 seconds West, 19.72 feet to a point for corner;
South 10 degrees 20 minutes 02 seconds East, 37.82 feet to a point for corner;
South 82 degrees 25 minutes 07 seconds West, 24.17 feet to a point for corner;
South 19 degrees 23 minutes 43 seconds East, 23.06 feet to a point for corner;
South 44 degrees 48 minutes 26 seconds East, 18.49 feet to a point for corner;
South 08 degrees 33 minutes 19 seconds West, 38.70 feet to a point for corner;
South 63 degrees 48 minutes 13 seconds West, 25.92 feet to a point for corner;
North 57 degrees 45 minutes 52 seconds West, 73.87 feet to a point for corner;
South 54 degrees 23 minutes 54 seconds West, 34.63 feet to a point for corner;
South 20 degrees 14 minutes 35 seconds West, 25.07 feet to a point for corner;
South 11 degrees 29 minutes 34 seconds West, 32.96 feet to a point for corner;
South 24 degrees 57 minutes 06 seconds West, 74.94 feet to a point for corner;
South 72 degrees 51 minutes 22 seconds West, 31.32 feet to a point for corner;
South 21 degrees 40 minutes 41 seconds East, 29.00 feet to a point for corner;
South 89 degrees 44 minutes 16 seconds East, 55.71 feet to a point for corner;
South 02 degrees 50 minutes 05 seconds East, 85.25 feet to a point for corner;
South 35 degrees 33 minutes 20 seconds West, 29.97 feet to a point for corner;
South 16 degrees 19 minutes 54 seconds East, 43.57 feet to a point for corner;

Exhibit B – Legal Description

South 73 degrees 23 minutes 21 seconds East, 33.38 feet to a point for corner;
North 42 degrees 47 minutes 37 seconds East, 45.83 feet to a point for corner;
South 62 degrees 48 minutes 39 seconds East, 11.95 feet to a point for corner;
South 03 degrees 32 minutes 28 seconds West, 133.95 feet to a point for corner;
South 74 degrees 14 minutes 11 seconds West, 61.59 feet to a point for corner;
North 54 degrees 49 minutes 01 seconds West, 49.24 feet to a point for corner;
South 64 degrees 50 minutes 15 seconds West, 86.86 feet to a point for corner;
South 22 degrees 43 minutes 12 seconds East, 131.42 feet to a point for corner;
South 36 degrees 37 minutes 08 seconds West, 48.57 feet to a point for corner;
South 11 degrees 04 minutes 04 seconds East, 172.10 feet to a point for corner;
South 67 degrees 49 minutes 04 seconds East, 43.24 feet to a point for corner;
North 45 degrees 27 minutes 45 seconds East, 82.72 feet to a point for corner;
South 09 degrees 05 minutes 48 seconds West, 79.44 feet to a point for corner;
South 26 degrees 30 minutes 37 seconds East, 46.80 feet to a point for corner;
North 64 degrees 44 minutes 26 seconds East, 59.61 feet to a point for corner;
South 21 degrees 59 minutes 49 seconds East, 96.10 feet to a point for corner;
South 07 degrees 32 minutes 27 seconds West, 150.81 feet to a point for corner;
South 30 degrees 43 minutes 37 seconds East, 36.17 feet to a point for corner;
South 36 degrees 17 minutes 52 seconds West, 55.43 feet to a point for corner;
South 12 degrees 09 minutes 26 seconds East, 53.30 feet to a point for corner;
South 25 degrees 54 minutes 35 seconds West, 66.51 feet to a point for corner;
South 09 degrees 25 minutes 26 seconds West, 78.13 feet to a point for corner;
South 52 degrees 06 minutes 09 seconds East, 52.35 feet to a point for corner;
South 04 degrees 39 minutes 53 seconds East, 98.38 feet to a point for corner;
South 31 degrees 23 minutes 14 seconds West, 58.09 feet to a point for corner;
South 86 degrees 10 minutes 30 seconds West, 35.45 feet to a point for corner;
North 48 degrees 02 minutes 07 seconds West, 88.93 feet to a point for corner;
South 17 degrees 59 minutes 42 seconds West, 95.84 feet to a point for corner;
South 52 degrees 40 minutes 40 seconds West, 53.24 feet to a point for corner;
South 17 degrees 34 minutes 27 seconds West, 108.29 feet to a point for corner;
North 83 degrees 04 minutes 32 seconds West, 55.25 feet to a point for corner;
South 21 degrees 16 minutes 22 seconds East, 103.36 feet to a point for corner;
South 44 degrees 51 minutes 57 seconds West, 84.17 feet to a point for corner;
South 72 degrees 16 minutes 32 seconds West, 44.76 feet to a point for corner;
South 10 degrees 51 minutes 36 seconds East, 72.28 feet to a point for corner;
South 52 degrees 45 minutes 34 seconds West, 97.83 feet to a point for corner;
North 68 degrees 48 minutes 29 seconds West, 80.30 feet to a point for corner;
South 85 degrees 26 minutes 06 seconds West, 63.84 feet to a point for corner;
South 38 degrees 21 minutes 26 seconds West, 45.02 feet to a point for corner;
South 24 degrees 57 minutes 35 seconds West, 130.63 feet to a point for corner;
South 31 degrees 36 minutes 57 seconds West, 104.35 feet to a point for corner;
South 13 degrees 09 minutes 54 seconds West, 64.94 feet to a point for corner;
North 74 degrees 37 minutes 15 seconds West, 52.65 feet to a point for corner;
South 00 degrees 09 minutes 01 seconds West, 81.60 feet to a point for corner;
South 77 degrees 40 minutes 03 seconds East, 91.42 feet to a point for corner;
South 03 degrees 29 minutes 54 seconds West, 57.67 feet to a point for corner;

Exhibit B – Legal Description

South 64 degrees 42 minutes 25 seconds East, 61.20 feet to a point for corner;
South 14 degrees 53 minutes 58 seconds East, 49.20 feet to a point for corner;
South 00 degrees 45 minutes 51 seconds West, 29.62 feet to a point for corner;
South 89 degrees 50 minutes 32 seconds West, 75.13 feet to a point for corner;
South 31 degrees 27 minutes 33 seconds East, 76.90 feet to a point for corner;
South 08 degrees 34 minutes 05 seconds West, 35.81 feet to a point for corner;
South 83 degrees 51 minutes 53 seconds East, 93.05 feet to a point for corner;
South 45 degrees 54 minutes 42 seconds West, 100.34 feet to a point for corner;
South 46 degrees 44 minutes 38 seconds East, 74.31 feet to a point for corner;
South 20 degrees 55 minutes 37 seconds East, 85.44 feet to a point for corner;
South 58 degrees 13 minutes 15 seconds East, 66.89 feet to a point for corner;
South 34 degrees 40 minutes 55 seconds East, 78.23 feet to the southeast corner
of said Tract 2, said point being in the center of Wilson Creek;

THENCE along the south line of said Tract 2 and along the center of Wilson Creek as follows:

South 75 degrees 58 minutes 42 seconds West, 174.49 feet to a point for corner;
South 49 degrees 30 minutes 51 seconds West, 293.40 feet to a point for corner;
North 89 degrees 03 minutes 36 seconds West, 256.81 feet to the southwest
corner of said Tract 2, said point being in the east right-of-way line of Farm-to-Market
Highway Number 2478;

THENCE along the west line of said Tract 2 and along the east right-of-way line of
Farm-to-Market Highway Number 2478 as follows:

North 00 degrees 31 minutes 04 seconds East, 946.48 feet to a point for corner;
North 06 degrees 13 minutes 42 seconds East, 100.50 feet to a point for corner;
North 00 degrees 31 minutes 04 seconds East, 500.00 feet to a point for corner;
North 05 degrees 11 minutes 34 seconds West, 100.50 feet to a point for corner;
North 00 degrees 31 minutes 04 seconds East, 1880.06 feet to a point for corner;
North 45 degrees 31 minutes 41 seconds East, 70.68 feet to a point for corner;
North 00 degrees 31 minutes 04 seconds East, 30.00 feet to the POINT OF
BEGINNING and containing 66.61 acres of land.

“This document was prepared under 22 TAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.”

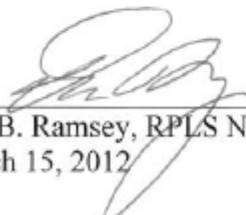

Dan B. Ramsey, RPLS No. 4172
March 15, 2012



Exhibit C – Service Plan



**CITY OF MCKINNEY, TEXAS
SERVICE PLAN FOR ANNEXED AREA**

ANNEXATION ORDINANCE NO. 2013-02-XXX

DATE OF ANNEXATION ORDINANCE: February 5, 2013

ACREAGE ANNEXED: 66.61 Acres

A component of the City of McKinney, Texas 2004 Comprehensive Plan is the annexation of the Ultimate Planning Area to define the boundaries of the City. The intent of this annexation and subsequent annexations is to assure continued, attractive, and efficient growth.

Municipal services shall be provided to the annexed tract(s) of land, by the City of McKinney, Texas, in accordance with the following provisions and V.T.C.A., Local Government Code, Section 43.065 (Vernon 2000).

A. POLICE PROTECTION:

1. Police personnel and equipment from the McKinney Police Department shall be provided to the area annexed on the effective date of this ordinance.
2. Police protection services shall be provided at a level of services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever is applicable.

B. FIRE PROTECTION:

1. Fire protection and Emergency Medical Services (EMS) from the McKinney Fire Department shall be provided to the area on the effective date of this ordinance.
2. Fire protection services shall be provided at a level of services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever is applicable.

C. FIRE PREVENTION:

The services of the City of McKinney Fire Marshal shall be provided to the area upon the effective date of this ordinance.

D. SOLID WASTE COLLECTION:

1. Solid waste collection shall be provided to the area annexed upon the effective date of this ordinance.

Exhibit C – Service Plan

2. Solid waste collection services shall be provided at a level of service at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.
3. The collection of refuse from individual properties shall be made in accordance with the usual Sanitation Department scheduling. Residential customers may utilize the North Texas Municipal Water District - McKinney Landfill in accordance with City ordinances.

E. WATER SERVICE:

1. For portions of the annexed area within the City of McKinney legally certificated area (CCN) the City of McKinney shall provide water services to this annexed area by any of the methods by which it extends the services to any other area of the municipality. For new development, the City of McKinney requires developers to construct the necessary infrastructure to meet the needs of the development. This requirement may also include off-site improvements.
2. The responsibility for construction of the infrastructure by the developer is noted in the pending Developer Agreement.
3. For portions of the annexed area within the City of McKinney legally certificated area (CCN), the City of McKinney shall allow the provision of extensions of water facilities to the areas annexed on the effective date of this ordinance. Such extensions shall be in accordance with Section 110-1 through 110-165 of the Code of Ordinances, City of McKinney, and as amended.
4. Connection to existing city water mains for water service will be provided in accordance with existing City Policies. Upon connection to existing mains, water will be provided at rates established by City Ordinance.
5. For portions of the annexed area within the City of McKinney legally certificated area (CCN), water services shall be provided at a level of services at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.
6. Water mains installed or improved to City standards within the annexed area which are part of the City of McKinney water system and are located within dedicated easements, rights-of-way, or any other acceptable location approved by the City Engineer, shall be maintained by the City of McKinney upon the effective date of this ordinance.
7. Maintenance of private lines will be the responsibility of the owner or occupant.
8. Where other water districts provide water service, the development shall still meet the City of McKinney standards for the sizing and construction of utilities.

F. SANITARY SEWER SERVICE:

1. The City of McKinney shall provide sewer services to this annexed area by any of the methods by which it extends the services to any other area of the municipality. For new development, the City of McKinney requires

Exhibit C – Service Plan

developers to construct the necessary infrastructure to meet the needs of the development. This requirement may also include off-site improvements.

2. The City of McKinney shall allow the provision of extensions of sanitary sewer facilities to the areas annexed upon the effective date of this ordinance. Such extensions shall be in accordance with Section 110-1 through 110-165 of the Code of Ordinances, City of McKinney, and as amended.
3. Connection to existing city sanitary sewer mains for sewage service will be provided in accordance with existing City Policies. Upon connection to existing mains, sanitary sewer collection will be provided at rates established by City Ordinances.
4. Sanitary sewer services shall be provided at a level of services at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.
5. Sanitary sewer mains and lift stations installed or improved to City Standards within the annexed area which are located within dedicated easement, rights-of-way, or any other acceptable location approved by the City Engineer, shall be maintained by the City of McKinney upon the effective date of this ordinance.

G. STREETS:

1. Emergency street maintenance shall be provided for publicly dedicated streets or roads within the areas annexed upon the effective date of this ordinance. Routine maintenance will be scheduled as part of the City's annual street maintenance program in accordance with the then current policies and procedures defined by ordinance.
2. Street services shall be provided at a level of services at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.

H. PARKS AND RECREATION:

1. The City of McKinney shall provide parks and recreation services to this annexed area by any of the methods by which it extends the services to any other area of the municipality. For new development, the City of McKinney requires developers to construct hike/bike trails in keeping with the Parks Master Plan. Additionally, new developments must still satisfy the parkland dedication requirements that call for land or fees in lieu of land for park.
2. Residents within the areas annexed may utilize all existing park and recreation facilities upon the effective date of this Ordinance. Fees for such usage shall be in accordance with current fees established by ordinance.
3. Additional park and recreation facilities shall be constructed based on Park policies defined in the 2012 Comprehensive Plan as amended, and the Parks Master Plan. The general planned locations and classifications of parks will ultimately serve residents from the current city limits and residents from areas being considered for annexation.

Exhibit C – Service Plan

I. ENVIRONMENTAL HEALTH AND CODE ENFORCEMENT SERVICES:

1. Enforcement of current environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicles ordinances and animal control ordinances, shall begin within this area upon the effective date of this annexation ordinance.
2. Inspection services, including but not limited to, the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical, and electrical work to ensure compliance with City Codes and Ordinances will be provided within upon the effective date of this ordinance.
3. The City shall provide the level of Environmental Health and Code Enforcement Services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.

J. PLANNING AND ZONING:

These areas are zoned in conjunction with the annexation pursuant to the Comprehensive Zoning Ordinance #1270. The Future Lane Use Plan of the 2004 Comprehensive Plan as amended will serve as a guide for consideration of future zoning requests.

K. MISCELLANEOUS:

Any city owned facility, building, or service located within the annexed area shall be operated and maintained by the City upon the effective date of the annexation ordinance.

L. CAPITAL IMPROVEMENTS PROGRAM

If this area is annexed, such areas are immediately eligible for Capital Improvement Program consideration.

- M. Other municipal services for areas not specifically listed in Sections A-K shall be provided to an annexed area no later than two and one-half years after the effective date of the annexation, unless certain services cannot reasonably be provided within two and one-half years. In that case, the City shall propose a schedule for providing certain services, and the schedule shall provide for the provision of full municipal services no later than four and one-half years after the effective date of the annexation.

Exhibit D – Annexation Exhibit

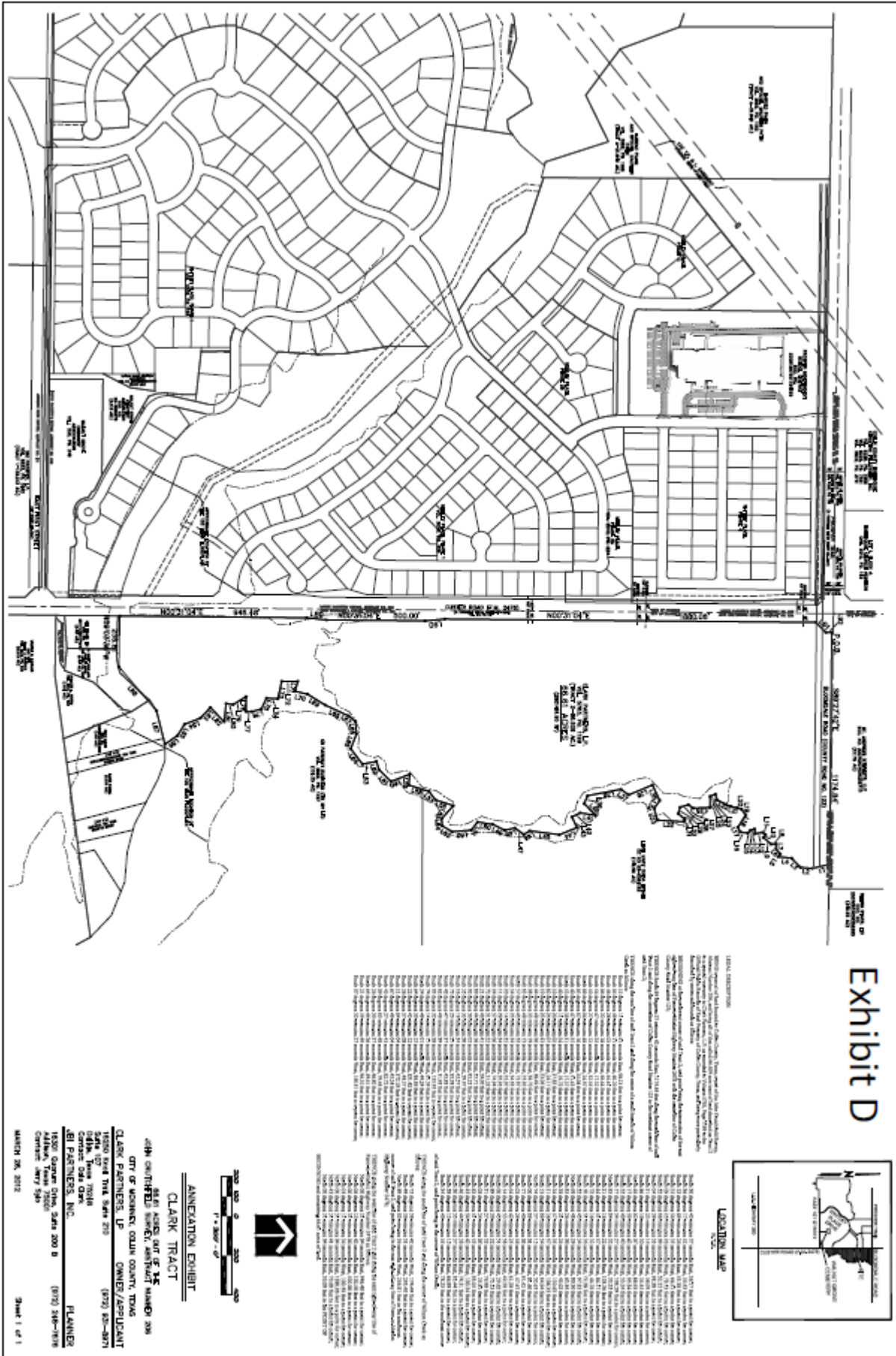


Exhibit D



1. THIS MAP IS A PART OF THE PLAT FOR THE CLARK TRACT, A SUBDIVISION OF LAND IN THE COUNTY OF CLAY, MISSOURI, AND IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE PLAT THEREOF. THE PLAT IS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF CLAY, MISSOURI, UNDER THE NAME AND NUMBER OF THE CLARK TRACT, PLAT NO. 11134.8C, DATED MARCH 26, 2012.

2. THE CLARK TRACT IS A SUBDIVISION OF LAND IN THE COUNTY OF CLAY, MISSOURI, AND IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE PLAT THEREOF. THE PLAT IS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF CLAY, MISSOURI, UNDER THE NAME AND NUMBER OF THE CLARK TRACT, PLAT NO. 11134.8C, DATED MARCH 26, 2012.



200 100 0 100 200
1" = 200' ±

ANNEXATION EXHIBIT

CLARK TRACT
 66.61 ACRES, PART OF 1/4
 48th CENTERED STREET, WESTFALL MANOR 208
 CITY OF MOHAWK, CLAY COUNTY, MISSOURI
CLARK PARTNERS, LP OWNER/APPLICANT
 1500 WEST TWIN LAKE DRIVE
 SUITE 107
 WESTFALL, MISSOURI 64088
BI PARTNERS, INC. PLANNER
 1500 QUINCY DRIVE, SUITE 200 B
 WESTFALL, MISSOURI 64088
 CONTACT: ARIY SABA
 MARCH 26, 2012