

ORDINANCE NO. 1907

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING PLANNED DEVELOPMENT ZONING ORDINANCE NO. 1458 SO THAT THE PLANNED DEVELOPMENT REGULATIONS GOVERNING SIDEYARD SETBACKS ARE CHANGED FROM SEVEN (7) FEET TO FIVE (5) FEET ON 64 LOTS IN THE HIGH POINTE ADDITION LOCATED GENERALLY WEST OF U.S. HWY. 75 BETWEEN WILMETH ROAD AND OLD CELINA ROAD; ADOPTING SPECIAL ORDINANCE PROVISIONS; 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.

WHEREAS, the owner or owners of subject property within the High Pointe Addition, within the City of McKinney, Collin County, Texas, out of the John Manning Survey, Abstract No. 637 and the Thomas J. McDonald Survey, Abstract No. 576 have petitioned the City of McKinney to change sideyard setbacks from seven (7) feet to five (5) feet on 64 lots located in the High Pointe Addition located generally west of U.S. Hwy. 75 between Wilmeth Road and Old Celina Road; 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 such zoning should be made.

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

Section 1: Planned Development Ordinance No. 1458 is hereby amended so that the regulations governing land uses on a portion of the property described in the attached Exhibit "A" are hereby changed so that the sideyard setbacks are changed from 7' to 5' on 64 lots located in the High Pointe Addition located generally west of U.S. Hwy. 75 between Wilmeth Road and Old Celina Road described in Exhibit "B".

Section 2: Special Ordinance Provisions:

(A) PD Ordinance No. 1458 shall continue to serve as the zoning regulations governing subject property; and

(B) No structures shall encroach upon existing T.U. Electric utility easements for the affected lots.

Section 3: That no developer or property owners shall acquire any vested interest in this Ordinance, or specific regulations contained herein. This Ordinance and regulations may be amended or repealed by the City Council of the City of McKinney, Texas in the manner provided by law.

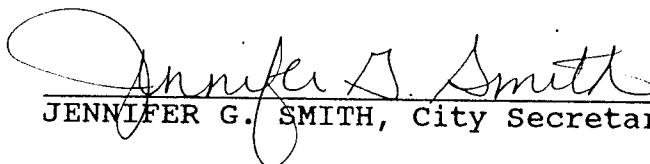
Section 4: If any section, subsection, paragraph, sentence, phrase or clause of the Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this 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 thereof, shall be fined any sum not to exceed \$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 of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

Section 6: The caption of the 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 4th DAY OF June, 1991.

CORRECTLY ENROLLED:

  
JENNIFER G. SMITH, City Secretary

Legal Description

Tract of land out of the Thomas J. McDonald Survey, Abstract 576, and the John Manning Survey, Abstract 637, located in the City of McKinney, Collin County, Texas and being all of the 13.910 Acre tract of land conveyed by O.W. Morton as recorded in Volume 1895, Page 573, and the southernmost part of the 137.493 Acre tract of land conveyed by Morton Reality Associates, Inc. as recorded in Volume 1895, Page 569 of the deed Records of Collin County, Texas, (DRCCT) and being more particularly described as follows:

BEGINNING at an iron pin found in the centerline of Old Celina Road (a Public Road), said iron pin being the point of intersection of the North Line of the J. Dunbaugh Survey, Abstract 257, the West line of said J. Manning Survey and the East line of the John McGarran Survey, Abstract 572, and also being the Southwest corner of said 13.910 Acre tract, and the Southeast corner of the 30.36 acre tract conveyed to James L. Walker by deed recorded in Volume 525, Page 525 (DRCCT);

Thence, N 00°24'23" E, with said common Survey Line, and along the common line of said Walker Tract and said 13.910 acre tract, passing the North line of said Manning Survey and the South line of said McDonald Survey, and continuing for a total distance of 1703.40 feet to an iron pin found for an angle point, said point being the Northwest corner of said 13.910 acre tract;

Thence, N 00°31'39" E, along the old fence on the East line of said Walker tract, a distance of 195.45 feet to an iron pin set for a corner;

Thence, departing from said East line of said Walker tract and along or across proposed street or alley right-of-ways, or along the common lines of proposed lots the following calls;

S 89°28'21" E, 25.00 feet to an angle point;  
N 89°09'36" E, along a radial bearing, a distance of 176.75 feet to a corner in a circular curve to the left having a radius of 5970.00 feet, a tangent of 11.75 feet; Thru a central angle of 00°13'32", in a Southerly direction a distance of 23.51 feet to a corner;  
N 28°41'40" E, 5.23 feet to the beginning of a circular curve to the right having a radius of 1825.00 feet, a tangent of 58.51 feet; Thru a central angle of 3°40'21", a distance of 116.97 feet to a corner;  
N 02°22'00" E, 81.68 feet, to an angle point;  
N 14°41'16" E, 33.82 feet; to a corner;  
N 86°51'19" W, 20.41 feet; to a corner;  
N 00°31'39" E, 57.32 feet; to a corner;  
S 89°28'21" E, along a radial bearing, a distance of 20.00 feet to a corner in a circular curve to the left having a radius of 40.00 feet, a tangent of 38.21 feet; Thru a central angle of 87°22'58", in a Southerly direction, a distance of 61.01 feet to a point of tangency;  
S 86°51'19" E, a distance of 105.02 feet to the beginning of a circular curve to the left having a radius of 40.00 feet, a tangent of 41.87 feet; Thru a central angle of 92°37'02", in a Northerly direction, a distance of 64.66 feet to corner;  
S 89°28'21" E, 20.00 feet; to a corner;  
S 00°31'39" W, a distance of 2.34 feet to the beginning of a circular curve to the left having a radius of 40.00 feet, a tangent of 40.00 feet; Thru a central angle of 90°00'00", in a Southerly direction, a distance of 62.83 feet to a point of tangency;  
S 89°28'21" E, 75.00 feet; to a corner;  
N 00°31'39" E, 31.61 feet; to a corner;  
S 89°28'21" E, 50.00 feet; to a corner;  
S 00°31'39" W, 31.00 feet; to a corner;  
S 89°28'21" E, 115.00 feet; to a corner;  
N 00°31'39" E, a distance of 135.17 feet to the beginning of a circular curve to the right having a radius of 210.00 feet, a tangent of 39.54 feet; Thru a central angle of 21°19'28", a distance of 78.16 feet to the beginning of a circular curve to the left having a radius of 40.00 feet, a tangent of 31.39 feet; Thru a central angle of 76°14'53", a distance of 53.23 feet to a corner;  
N 35°36'14" E, along a radial bearing, a distance of 70.00 feet to a corner in the centerline of proposed Wilmeth Road (a future 100' R.O.W.) said point also being in a circular curve to the left having a radius of 950.00 feet, and a tangent of 300.24 feet;

Thence, along said circular curve to the left thru a central angle of  $35^{\circ}04'38''$  a distance of 581.60 feet to a point of tangency

Thence,  $S 89^{\circ}28'23'' E$ , a distance of 93.72 feet to an iron pin set for a corner in the centerline of proposed Osmond Lane (a future 20' O.W.), said point also being in the West line of the 47.838 acre tract conveyed to McKinney Expressway Joint Venture by deed recorded in Volume 1601, page 255 (DRCCT);

Thence,  $S 0^{\circ}31'37'' W$ , departing from the centerline of proposed Wilmeth Road, and along the West line of said 47.838 acre tract, and the centerline of proposed Osmond Lane a distance of 485.00 feet to an iron pin found for a corner, said point being the Southwest corner of said 47.838 acre tract, and also being in the North Line of the 79.661 acre tract of land conveyed to McKinney Expressway Joint Venture by deed recorded in Volume 1601, Page 267 (DRCCT);

Thence,  $S 89^{\circ}53'39'' W$ , along the old fence on the North line of said 79.661 acre tract, a distance of 297.51 feet to an iron pin found for an angle point, said point being the Northwest corner of said 79.661 acre tract and the Northeast corner of the 25.00 acre tract conveyed to Dowreco, Inc. by deed recorded in Volume 872, Page 105 (DRCCT);

Thence,  $N 87^{\circ}45'08'' W$ , along the old fence on the North line of the 8.00 acre tract conveyed to Daniel Maher by deed recorded in Volume 1469, Page 482 (DRCCT), a distance of 639.84 feet to an iron pin found for a corner, said point being the Northwest corner of said Maher tract, and the Northeast corner of the aforementioned 13.910 Acre tract;

Thence,  $S 00^{\circ}31'25'' W$ , along the West line of said Maher tract, and along the East line of said 13.910 acre tract, passing the common South line of said McDonald Survey, and the North line of said Manning Survey, a total distance of 1699.60 feet to an iron pin found for a corner in the centerline of Old Celina Road, said point being the Southwest corner of said Maher tract, and the Southeast corner of said 13.910 acre tract;

Thence,  $N 87^{\circ}19'04'' W$ , along said centerline of Old Celina Road, and along the South line of said Dunbaugh Survey, a distance of 154.64 feet to an iron pin found for an angle point, said point also being the Northwest corner of the McKinney Professional Center.

Thence,  $N 87^{\circ}23'11'' W$ , continuing along said centerline of Old Celina Road, and Common Survey Line a distance of 199.98 feet to the POINT OF BEGINNING and CONTAINING 1,201,803 SQUARE FEET, or 27.5896 ACRES OF LAND, more or less.

EXHIBIT "B"

HIGH POINTE ADDITION

Block 10 ----- Lots 1,2,3,4,5,10,11,21,22,24,25,26,29,30,  
31,32,33,34,36,37,38

Block 11 ----- Lots 2,3,4,6,7,8,9,10,11,12,13,14,15

Block 12 ----- Lots 3,5,6,7,8,9,10,11,13,14,15,16,17

Block 13 ----- Lots 17,18,19,20,21,22,24

Block 9 ----- Lots 2,3,4,5

Block 8 ----- Lots 1, 3,4,5,7