

ORDINANCE NO. 2010-12-___

AN ORDINANCE WAIVING THE CITY'S RIGHT OF FIRST REFUSAL TO PURCHASE CERTAIN UNUSED SURPLUS PORTIONS OF THE FORMER FARM-TO-MARKET ROAD 720 ("FM 720") RIGHT-OF-WAY FROM THE TEXAS DEPARTMENT OF TRANSPORTATION, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas ("City") is a home-rule municipality; and

WHEREAS, a home-rule municipality has exclusive control over and under the public highways, streets and alleys of the municipality, Texas Transportation Code § 311.001; and

WHEREAS, a home-rule municipality has the authority to vacate, abandon or close a street or alley, Texas Transportation Code § 311.007; and

WHEREAS, the Texas Department of Transportation ("TxDOT") has previously taken Farm-to-Market Road 720 ("FM 720") off the State's roadway system ("Former FM 720"), and Former FM 720 is now maintained by the City; and

WHEREAS, the TxDOT still owns 11.86 acres of the right-of-way for Former FM 720 between Ridge Road and Stacy Road (the "TxDOT Portion") and will not sell the right-of-way to any adjacent property owners without the City stating it does not desire to purchase said right-of-way; and

WHEREAS, City has not yet abandoned the TxDOT Portion of Former FM 720; and

WHEREAS, City has certain infrastructure including, but not limited to, sanitary sewer, storm drainage, water and other utility improvements in, about, over, under and across certain areas of the TxDOT Portion of Former FM 720 that City desires to remain in place and for which improvements City desires to retain easements; and

WHEREAS, The City Council of the City of McKinney has determined and finds that those segments of the TxDOT Portion of Former FM 720 which are situated between (a) McKinney Ranch Parkway and Silverado Trail, (b) Silverado Trail and the north right-of-way line of Bountiful Grove Drive, and (c) the south property line of Live Oak Lawn and Landscape, Inc. and Stacy Road will no longer be needed for travel by the general public.

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

Section 1. The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

Section 2. The City of McKinney hereby waives its right to purchase the TxDOT Portion of those segments of the Former FM 720 that are situated between (a) McKinney Ranch Parkway and Silverado Trail, (b) Silverado Trail and the north right-of-way line of Bountiful Grove Drive, and (c) the south property line of Live Oak Lawn and Landscape, Inc. and Stacy Road from TxDOT.

Section 3. The City of McKinney hereby agrees to the sale of said TxDOT Portion of those segments of Former FM 720, identified herein-above, by TxDOT to adjacent developments and property owners save and except to the extent that any such conveyance(s) interfere with the City's continued use, operation and maintenance of sanitary sewer, storm drainage, water and

other utility improvements in, about, over, under and across certain areas of the TxDOT portion of Former FM 720.

Section 4. The City reserves water, sewer, drainage, utility, and mutual access easements the size and location of which easements shall be determined by the City Engineer within the TxDOT Portion of Former FM 720, all of which easements shall be conveyed to the City by TxDOT or adjacent developments prior to or at the time of conveyance of the TxDOT Portion of the Former FM 720 to any third party.

Section 5. This ordinance shall take effect immediately upon and after its adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 7th DAY OF DECEMBER, 2010.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC,
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney