

ORDINANCE NO. 2015-07-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE ANNEXATION BY MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY OF 3.055 ACRES OF LAND

WHEREAS, McKinney Municipal Utility District No. 1 of Collin County (the "District") is located within the extraterritorial jurisdiction of the City of McKinney, Texas (the "City"); and

WHEREAS, the City consented to the creation of the District by Ordinance No. 2006-12-140 dated December 5, 2006; and

WHEREAS, Texas Water Code, Section 54.016, as amended, provides that no land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included within a municipal utility district unless such city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district.

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

Section 1. All of the matters and facts set forth in the preamble hereof are true and correct.

Section 2. The Petition for Consent to Annex Land into a Municipal Utility District (the "Petition") is attached hereto as Exhibit "A" and made a part hereof for all purposes.

Section 3. The City Council of the City hereby specifically gives its written consent to the annexation of the 3.055 acres described in the Petition and exhibits attached thereto, into the District.

Section 4. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 21st DAY OF JULY, 2015.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

PETITION FOR CONSENT TO
ANNEX LAND INTO A MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §
 §
COUNTY OF COLLIN §

TO THE HONORABLE MAYOR AND CITY
COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

The undersigned, MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY, a political subdivision of the State of Texas (the "District") and CH-B TRINITY FALLS, LP, a Texas limited partnership (the "Property Owner"), respectfully petition the City of McKinney, Texas for its consent to the addition of land to the District. In support of this Petition, the District would show the following:

I.

The land sought to be added to the District (the "Tract") is described by metes and bounds in Exhibit "A", attached hereto and made a part hereof for all purposes.

II.

The Tract lies wholly within Collin County, Texas, and not within the boundaries of any incorporated city or town. The Tract lies wholly within the exclusive extraterritorial jurisdiction of the City of McKinney, Texas, as such term is determined pursuant to Chapter 42 V.T.C.A. Local Government Code.

III.

Property Owner is the holder of title to the Tract as shown by the Collin County Tax Rolls and conveyances of record. There are no liens on the Tract, except for U.S. Bank National Association, d/b/a Housing Capital Company.

IV.

The District was organized, created, and established pursuant to Act of June 15, 2007, 80th Leg., R.S., H.B. 3979 (codified at Texas Special Districts Local Laws Code Ann. Chapter 8223) in accordance with Article XVI, Section 59, and Article III, Section 52, of the Constitution of the State of Texas and operates pursuant to Chapters 49 and 54, Texas Water Code, as amended, to provide for:

- (1) the control, storage, preservation, and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power and all other useful purposes;
- (2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation;

- (3) the reclamation and drainage of its overflowed land and other land needing drainage;
- (4) the conservation and development of its forests, water, and hydroelectric power;
- (5) the navigation of its inland and coastal water;
- (6) the control, abatement, and change of any shortage or harmful excess of water;
- (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state;
- (8) the preservation of all natural resources of the state;
- (9) the collection, transportation, processing, disposal, and control of all domestic, industrial, or communal wastes, whether fluids, solids, or composites,
- (10) to gather, conduct, divert, and control local storm water or other local harmful excesses of water; and
- (11) the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads, to the extent authorized by Article III, Section 52, of the Texas Constitution.

The District is empowered and authorized to purchase, construct, acquire, own, operate, maintain, repair, improve, or extend inside and outside its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of its creation.

V.

The general nature of the work to be done by and within the District at the present time is the (i) construction, maintenance and operation of a waterworks system for residential and commercial purposes; (ii) the construction, maintenance and operation of a sanitary sewer collection system; (iii) the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the District; (iv) the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads, to the extent authorized by Article III, Section 52, of the Texas Constitution; and (v) such other construction, installation, maintenance, purchase and operation of such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is organized.

VI.

There is a necessity for the improvements above described because the Tract is located within an area that is experiencing substantial and sustained residential and commercial growth, is urban in nature and is not supplied with adequate water, sanitary sewer, drainage facilities, road facilities and services. The health and welfare of the future inhabitants of the Tract require the acquisition and installation of an adequate waterworks, sanitary sewer, storm drainage and road system. The purchase, construction, extension, improvement, maintenance and operation of such waterworks, sanitary sewer, storm drainage and road systems will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the inclusion of the Tract within the District.

VII.

Said proposed improvements are practicable and feasible, in that the terrain of the Tract is of such a nature that a waterworks, sanitary sewer, storm drainage and road systems can be constructed at a reasonable cost; and said land will be rapidly developed for commercial, multi-family and residential purposes.

VIII.

A preliminary investigation has been instituted to determine the cost of the project attributable to the Tract, and it is now estimated by those filing this Petition, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately \$_____.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City Council of the City of McKinney, Texas, adopt a resolution giving its written consent to the addition of the Tract to the District.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

RESPECTFULLY SUBMITTED THIS 11th DAY OF MAY, 2015.

“DISTRICT”

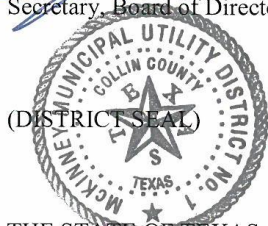
MCKINNEY MUNICIPAL UTILITY
DISTRICT NO. 1 OF COLLIN COUNTY

By: Allison Case
Allison Case, Acting President

ADDRESS:
c/o Sanford Kuhl Hagan Kugle Parker Kahn LLP
1980 Post Oak Boulevard, Suite 1380
Houston, Texas 77056

ATTEST:

[Signature]
Secretary, Board of Directors

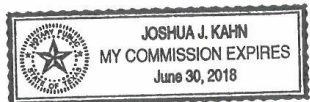


THE STATE OF TEXAS
COUNTY OF COLLIN

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This instrument was acknowledged before me on the 11th day of May, 2015, by Allison Case, Acting President of the Board of Directors of McKinney Municipal Utility District No. 1 of Collin County, a political subdivision of the State of Texas, on behalf of said political subdivision.

STAMP NAME AND DATE OF EXPIRATION OF COMMISSION BELOW:

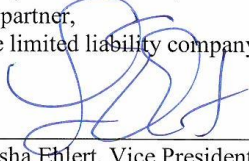


[Signature]
NOTARY PUBLIC, STATE OF TEXAS

“PROPERTY OWNER”

CH-B TRINITY FALLS, LP,
a Texas limited partnership

By: CH-B Trinity Falls GP, LLC,
its general partner,
a Delaware limited liability company

By: 
Leisha Ehlert, Vice President

THE STATE OF TEXAS
COUNTY OF TRAVIS

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This instrument was acknowledged before me on the 7TH day of MAY,
2015, by Leisha Ehlert, Vice President of CH-B Trinity Falls GP, LLC, a Delaware limited
liability company, the general partner of CH-B Trinity Falls, LP, a Texas limited partnership, on
behalf of said limited partnership.

STAMP NAME AND DATE OF
EXPIRATION OF COMMISSION
BELOW:


NOTARY PUBLIC, STATE OF TEXAS

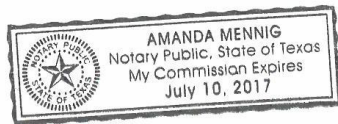


EXHIBIT "A"

BEING a tract of land situated in the John Emberson Survey, Abstract No. 294, City of McKinney, Collin County, Texas and being all of Lots 1 & 2, Block A, GCEC Chambersville Substation Addition, and a called 60' Right-of-Way Dedication known as Red River Trail, all as created by Conveyance Plat recorded in Volume 2014, Page 169, Plat Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "RPLS 4408" found at the north corner of said Lot 1, and in the west line of a tract of land described as "Tract 5A" in Special Warranty Deed to CH-B Trinity Falls, L.P., recorded in Instrument No. 20120229000234690, Land Records of Collin County, Texas and in the east line of a tract of land described as "Tract 1A" in Deed to Tom B. Wilson, recorded in Volume 935, Page 598, Deed Records of Collin County, Texas, from which a 3/8" iron rod found in County Road No. 228 at the northwest corner of said CH-B Trinity Falls, L.P., bears North 0°53'45" East, a distance of 986.32 feet;

THENCE with the east line of said Lot 1, Lot 2, said 60' Right-of-Way Dedication, and the west line of said CH-B Trinity Falls, L.P. tract, South 7°04'31" East, a distance of 1340.11 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner at the southeast corner of said Lot 2, common to the northeast corner of said Lot 3, and from which a 5/8" iron rod with cap found at the southeast corner of said Lot 3 bears South 7°04'31" East, a distance of 665.86 feet;

THENCE with the south line of said Lot 2 line, North 88°27'18" West, a distance of 200.87 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner at the southwest corner of said Lot 2, common to the northwest corner of said Lot 3, and in the east line of a tract of land described in Special Warranty Deed to Purple Frog, Ltd., recorded in Instrument No. 20060724001039860, Land Records of Collin County, Texas;

THENCE with the west line of said Lot 1, Lot 2, said 60' Right-of-Way Dedication, and the east line of said Purple Frog, LTD. tract and the east line of said Tract 1A, North 1°32'42" East, a distance of 1324.97 feet to the **POINT OF BEGINNING** and containing 3.055 acres or 133,072 square feet of land.

The bearings for this survey are based on the west line of a tract of land described as "Tract 5" in Special Warranty Deed to CH-B Trinity Falls, L.P., recorded in Instrument No. 20120229000234690, Land Records of Collin County, Texas.