

ORDINANCE NO. 97-04-16

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT A 37.296 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF U.S. HIGHWAY 75, WEST OF REDBUD BOULEVARD, SOUTH OF BLOOMDALE ROAD, AND APPROXIMATELY 1,500 FEET NORTH OF WILMETH ROAD IS ZONED FROM "AG" - AGRICULTURE DISTRICT TO "C" 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, having been petitioned by the owner of a tract of land located on the east side of U.S. Highway 75, approximately 3,000 feet north of Wilmeth Road, in the City of McKinney, Collin County, Texas, for a rezoning of said tract to a "C" Planned Center District, the City of McKinney has expanded the consideration of rezoning to a "C" Planned Center District to adjacent properties, for a total area of 37.296 acres, located on the east side of U.S. Highway 75, west of Redbud Boulevard, south of Bloomdale Road, and approximately 1,500 feet north of Bloomdale Road, a complete legal description of such area being attached hereto and marked as Exhibit "A", and made a part hereof for all purposes; and,

WHEREAS, after due notice of the proposed 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 east side of U.S. Highway 75, west of Redbud Boulevard, south of Bloomdale Road, and approximately 1,500 feet north of Wilmeth Road, 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 from "AG" - Agriculture District to "C" Planned Center District.

SECTION 2. The property herein rezoned shall be developed according to the regulations of Section 3.14 of Ordinance 1270, and all other regulations applicable to development within the "C" Planned Center District, as amended from time to time.

SECTION 3. 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 4. 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 therefore, 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 5. 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 6. 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 10th DAY OF April, 1997.



JOHN E. GAY, MAYOR

CORRECTLY ENROLLED:



JENNIFER G. SMITH, CITY SECRETARY

APPROVED AS TO FORM:



MARK S. HOUSER, CITY ATTORNEY

TRACT "B"

Situated in the T. J. McDonald Survey, Abstract No. 576 in Collin County, Texas, and being a called 12.826 acre tract of land that was conveyed to Joe A. Ledbetter in Deed recorded in Volume 1042, Page 788 of the Deed Records of Collin County, Texas, being more particularly described by metes and bounds to-wit:

BEGINNING at an iron pin found being the Southeast corner of said tract, pin is also the Northeast corner of a tract described in Deed recorded in Volume 1042, Page 792 of the Collin County Deed Records;

THENCE South 89 deg. 31 min. 55 sec. West with the South line of said tract 891.42 feet to an iron pin found in the East R.O.W. Line of U.S. Hwy. 75;

THENCE North 12 deg. 23 min. East with said East R.O.W. Line 637.74 feet to a Wooden R.O.W. Marker;

THENCE North 16 deg. 18 min. 45 sec. East with said R.O.W. Line 64.55 feet to an iron pin found;

THENCE North 89 deg. 35 min. 58 sec. East with the North line of said tract 739.7 feet to an iron pin found in County Road 273;

THENCE South 0 deg. 17 min. 42 sec. West with said road 654.15 feet to an iron pin found;

THENCE South 0 deg. 26 min. 36 sec. East with said road 28.44 feet to the place of beginning, containing 12.817 acres.

TRACT "C"

SITUATED in Collin County, Texas, a part of the T. J. McDonald Survey, Abst. #576 and being a part of a tract of land described in a deed from George P. Cullum to Joe Ledbetter and Jim C. Ledbetter and recorded in Volume 694, Page 251 of the Collin County Deed Records and being more fully described as follows:

BEGINNING at an iron stake in the Southeast corner of the said tract in the center line of a public road;

THENCE SOUTH 89 deg 30 min 50 sec West with an established fence and hedge row a distance of 999.34 ft. to an iron stake in the East right of way line of U. S. Hwy #75;

THENCE NORTH 9 deg 31 min East with the right of way a distance of 306.4 ft. to a wooden marker;

THENCE NORTH 12 deg 23 min East with the right of way line a distance of 294.31 ft. to an iron stake;

THENCE NORTH 89 deg 30 min 50 sec East a distance of 891.24 ft. to an iron stake in the East line of the said tract and the center line of the public road;

THENCE SOUTH 0 deg 33 min West with the center of the road and the East line of a tract a distance of 588.75 ft. to the PLACE OF BEGINNING.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, the Grantee's heirs and assigns forever.

TRACT "A"

Situated in Collin County, Texas, a part of the T.J. McDONALD SURVEY, ABSTRACT NO. 576 and being a part of a tract as described in a Deed from George P. Cullum to Joe Ledbetter and Jim C. Ledbetter and recorded in Volume 694, Page 251 of the Collin County Deed Records and being more fully described as follows:

BEGINNING at an iron stake in the Northeast corner of said tract at the center line of a public road running East and West and a public road running South.

THENCE South 0 deg. 06 min. West with the center line of the road and the East line of a tract a distance of 500 feet to a stake.

THENCE South 0 deg. 09 min. 43 sec. West with the East line of the tract and center line of the road a distance of 501.62 feet to an iron stake.

THENCE South 89 deg. 30 min. 50 sec. West a distance of 738.78 feet to an iron stake in the East right of way line of U.S. Hwy #75.

THENCE in a Northerly direction with the East right of way line of U.S. Hwy #75 as follows:

North 16 deg. 18 min. 31 sec. East a distance of 487.30 feet to an iron stake.

North 20 deg. 02 min. 09 sec. East a distance of 194.53 feet to a wooden marker.

North 38 deg. 16 min. East a distance of 308.90 feet to a wooden marker.

North 24 deg. 26 min. East a distance of 64.80 feet to an iron stake.

North 57 deg. 52 min. 56 sec. East a distance of 83.72 feet to an iron stake.

North 23 deg. 25 min. 05 sec. East a distance of 16.48 feet to an iron stake in the North line of the said tract and in the centerline of the public road running East and West.

THENCE South 89 deg. 08 min. East with the North line of the tract and the center line of the road a distance of 242.20 feet to the PLACE OF BEGINNING and CONTAINING 12.819 acres.

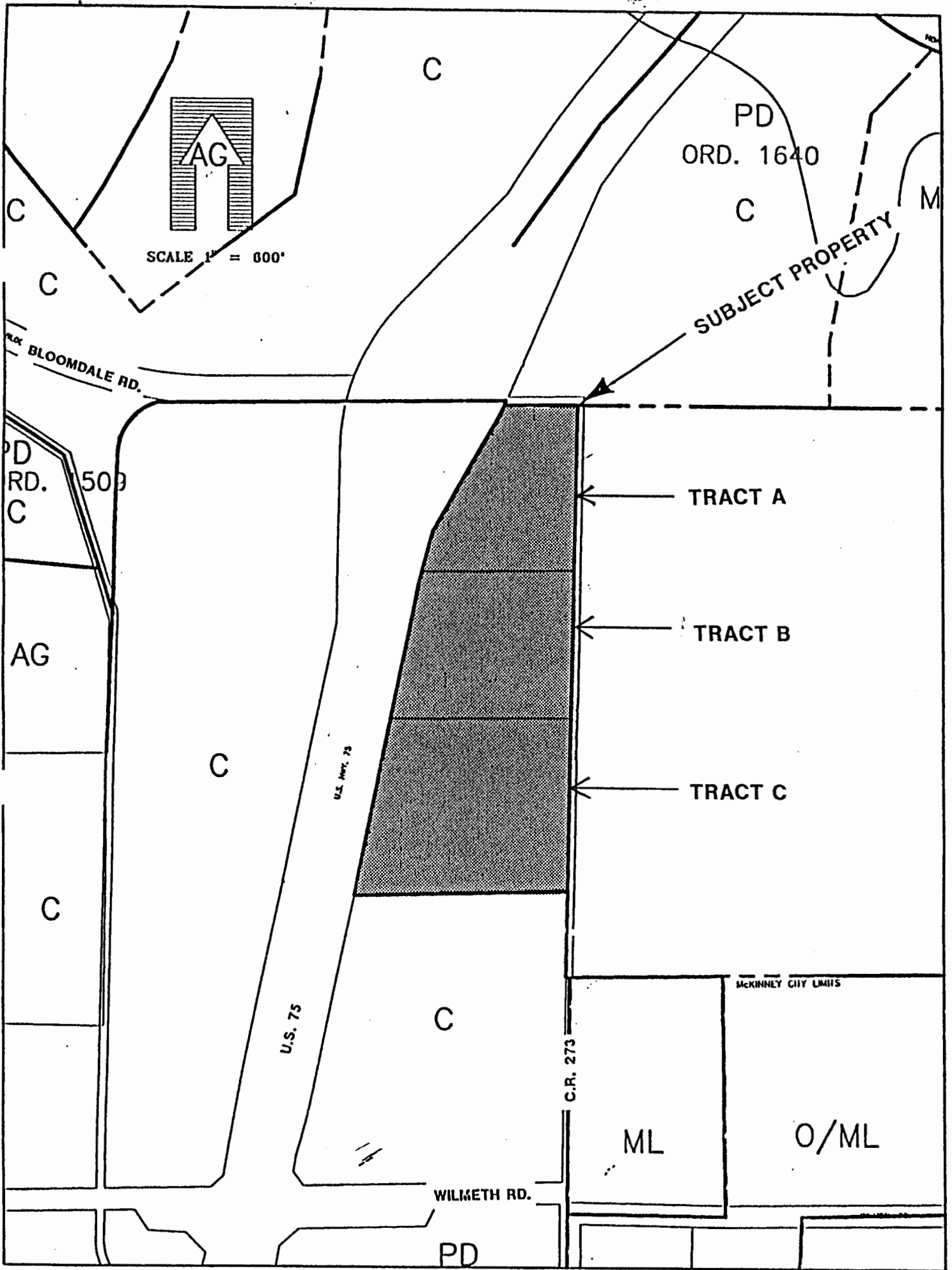


EXHIBIT "B"