

ORDINANCE NO. 2011-12-___

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 53.02 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF COMMUNITY AVENUE AND ON THE SOUTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "BG" – GENERAL BUSINESS DISTRICT, "O" – OFFICE DISTRICT, AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT; 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, the City of McKinney has considered the rezoning of an approximately 53.02 acre property, located on the east side of Community Avenue and on the south side of U.S. Highway 380 (University Drive), from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "BG" – General Business District, "O" – Office District, and "CC" – Corridor Commercial Overlay District,

WHEREAS, after due notice of the requested rezoning 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 the change in zoning district should be made.

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

Section 1. Ordinance No. 1270 is hereby amended in order to rezone an approximately 53.02 acre property, located on the east side of Community Avenue and on the south side of U.S. Highway 380 (University Drive), which is more fully depicted on Exhibits "A" and "B" attached hereto, is hereby rezoned from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "BG" – General Business District, "O" – Office District, and "CC" – Corridor Commercial Overlay District.

Section 2. Use and development of the subject property shall develop in accordance with the regulations of Section 146-85 ("BG" – General Business District) of the Zoning Ordinance, and as amended, Section 146-88 ("O" – Office District) of the Zoning Ordinance, and as amended, and Section 146-101 ("CC" – Corridor Commercial Overlay District) of the Zoning Ordinance, and as amended as reflected on Exhibit "B."

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 \$2,000.00, 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. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) 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 THE 6th DAY OF DECEMBER, 2011.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

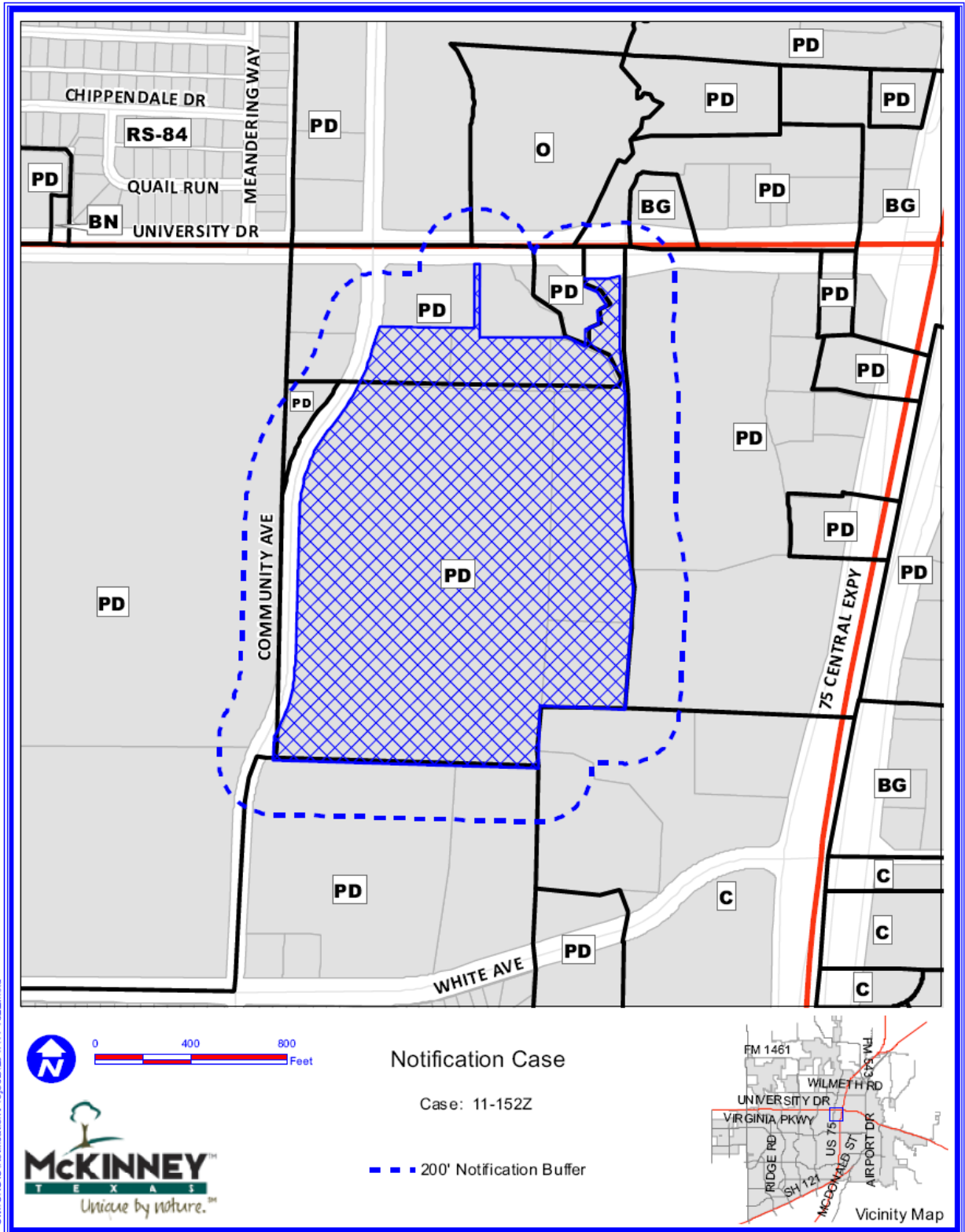
CORRECTLY ENROLLED:

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

DATE: _____

APPROVED AS TO FORM:

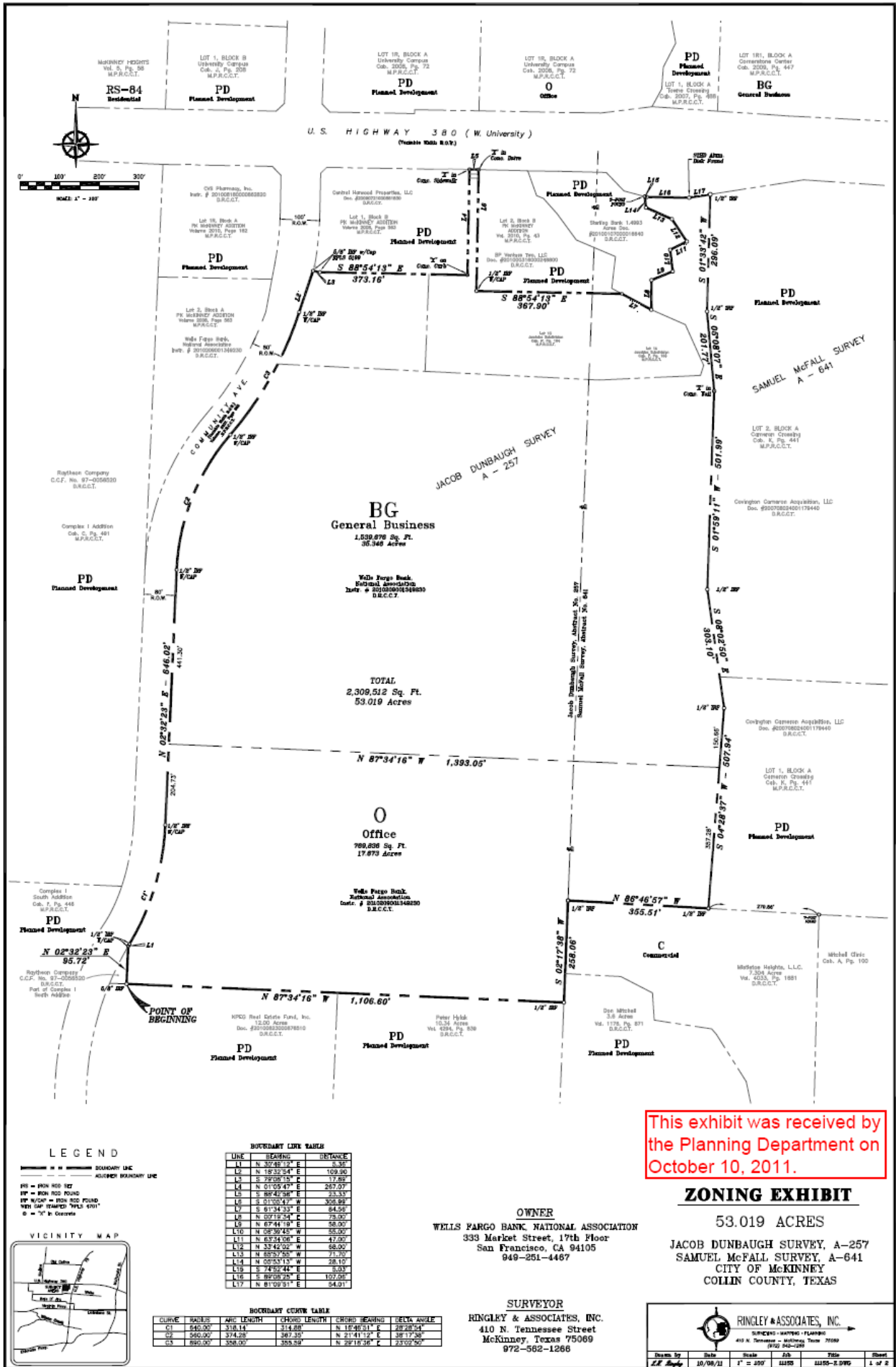
MARK S. HOUSER
City Attorney



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DISCLAIMER: This map and information contained herein 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 A



This exhibit was received by the Planning Department on October 10, 2011.

ZONING EXHIBIT
 53.019 ACRES
 JACOB DUNBAUGH SURVEY, A-257
 SAMUEL McFALL SURVEY, A-641
 CITY OF MCKINNEY
 COLLIN COUNTY, TEXAS

OWNER
 WELLS FARGO BANK NATIONAL ASSOCIATION
 333 Market Street, 17th Floor
 San Francisco, CA 94105
 949-251-4467

SURVEYOR
 RINGLEY & ASSOCIATES, INC.
 410 N. Tennessee Street
 McKinney, Texas 75069
 972-562-1266

LEGEND
 --- BOUNDARY LINE
 --- ADJACENT BOUNDARY LINE
 --- ROW ROAD RIGHT
 --- ROW ROAD ROUND
 --- ROW ROAD POINT
 --- ROW ROAD "WELL POINT"
 --- "X" IN CONCRETE



BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE
L1	N 87°34'16" W	1,393.05'
L2	N 18°32'24" E	109.96'
L3	S 72°05'15" E	17.89'
L4	N 01°03'43" E	267.07'
L5	S 89°42'38" E	25.33'
L6	S 01°02'41" W	306.82'
L7	S 81°34'33" E	84.58'
L8	N 09°12'54" E	75.00'
L9	N 67°44'18" E	56.00'
L10	N 08°30'45" E	25.00'
L11	N 83°24'06" E	42.00'
L12	N 33°42'02" W	66.00'
L13	N 08°30'45" W	75.00'
L14	N 08°53'13" W	28.10'
L15	S 74°52'40" E	5.03'
L16	S 82°02'25" E	107.00'
L17	N 81°02'51" E	54.01'

BOUNDARY CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	840.00'	318.14'	314.88'	N 18°46'31" E	282°28'54"
C2	840.00'	314.25'	361.35'	N 21°41'12" E	38°17'36"
C3	820.00'	358.00'	355.50'	N 29°18'56" E	232°02'50"

RINGLEY & ASSOCIATES, INC.
 SURVEYING - MAPPING - PLANNING
 410 N. Tennessee - McKinney, Texas 75069
 (972) 562-1266

Drawn By: J.L. Ringley
 Date: 10/08/11
 Scale: 1" = 200'
 Job: 11103
 Title: 11103-2.DWG
 Sheet: 1 of 2

EXHIBIT B

LEGAL DESCRIPTION

SITUATED in the City of McKinney, in the Jacob Dunbaugh Survey, Abstract No. 257 and the Samuel McFall Survey, Abstract No. 641, Collin County, Texas and being all of that certain 53.019 acre tract of land described in a deed to WELLS FARGO BANK, NATIONAL ASSOCIATION, recorded in Doc.#20101209001349230, of the Deed Records of Collin County, Texas (DRCT), and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found for the most Southwest corner of said 53.019 acre tract in the North line of a called 12.00 acre tract as described in a deed to EPEG Real Estate Fund, Inc. and recorded in Doc.#20100823000876510, DRCT, said point also being the most Easterly Southeast corner of the Complex 1 South Addition, an addition to the City of McKinney as recorded in Cabinet F, Page 446 of the Map and Plat Records of Collin County, Texas (MPRCT);

THENCE: North 02 deg. 32 min. 23 sec. East, along the West line of said 53.019 acre tract and the East line of said Complex 1 South Addition, a distance of 95.72 feet to a 1/2 inch iron rod with a red plastic cap stamped "RPLS 4701" (hereinafter referred to as "with cap") found for corner on the East right-of-way line of Community Avenue (80' wide R.O.W. at this point), an addition to the City of McKinney according to the plat thereof recorded in Volume 2007, Page 382, MPRCT;

THENCE: North 30 deg. 49 min. 12 sec. East, along the East right-of-way of said Community Avenue, a distance of 5.36 feet to a 1/2 inch iron rod with cap, found for corner at the beginning of a curve to the left, having a radius of 640.00 feet and a chord that bears North 16 deg. 46 min. 51 sec. East - 314.88 feet;

THENCE: Along said Community Avenue, with said curve to the left, through a central angle of 28 deg. 29 min. 05 sec. and along an arc distance of 318.15 feet to a 1/2 inch iron rod with cap found for corner at the end of said curve;

THENCE: North 02 deg. 32 min. 23 sec. East, continuing along the East line of said Community Avenue, a distance of 646.02 feet to a 1/2 inch iron rod with cap, found for corner at the beginning of a curve to the right, having a radius of 660.00 feet and a chord that bears North 21 deg. 41 min. 12 sec. East - 367.35 feet;

THENCE: Along said Community Avenue, with said curve to the right, through a central angle of 38 deg. 17 min. 38 sec. and along an arc distance of 374.28 feet to a 1/2 inch iron rod with cap found for corner at the point of reverse curvature to the left, having a radius of 890.00 feet and a chord that bears North 29 deg. 18 min. 36 sec. East - 355.59 feet;

THENCE: Along said Community Avenue, with said curve to the left, through a central angle of 23 deg. 02 min. 50 sec. and along an arc distance of 358.00 feet to a 1/2 inch iron rod with cap found for corner at the end of said curve;

THENCE: North 18 deg. 32 min. 54 sec. East, along the East line of said Community Avenue, a distance of 109.90 feet to a 1/2 inch iron rod with cap, found for the most Westerly Northwest corner of said 53.019 acre tract and same being the Southwest corner of Lot 1, Block B of PK McKinney Addition, an addition to the City of McKinney according to the Record Plat thereof recorded in Volume 2008, Page 563, MPRCT;

THENCE: South 79 deg. 08 min. 15 sec. East, along the common line of said 53.019 acre tract and said Lot 1, Block B, a distance of 17.69 feet to a 1/2 inch iron rod with cap, found for corner;

THENCE: South 88 deg. 54 min. 13 sec. East, continuing along the common line of said 53.019 acre tract and said Lot 1, Block B, a distance of 373.16 feet to a 1/2 inch iron rod with cap, found for the Southeast corner of said Lot 1, Block B of PK McKinney Addition;

THENCE: North 01 deg. 05 min. 47 sec. East, along the common line of said 53.019 acre tract and said Lot 1, Block B, a distance of 267.07 feet to an X in a concrete sidewalk, found for the Northeast corner of said Lot 1, Block B, on the South Right-of-way line of U.S. Highway 380 (variable width R.O.W.);

THENCE: South 88 deg. 42 min. 56 sec. East, along the South Right-of-way line of said U.S. Highway 380 and the most Northerly line of 53.019 tract, a distance of 23.33 feet to a "X" found in a concrete drive for the most Northerly Northeast corner of said 53.019 acre tract and same being the Northwest corner of Lot 2, Block B of PK McKinney Addition, an addition to the City of McKinney according to the Record Plat thereof recorded in Volume 2010, Page 43, MPRCT;

THENCE: South 01 deg. 05 min. 47 sec. West, along the common line of said 53.019 acre tract and said Lot 2, Block B, a distance of 308.99 feet to a 1/2 inch iron rod with cap, found for the Southwest corner of said Lot 2, Block B;

THENCE: South 88 deg. 54 min. 13 sec. East, along the common line of said 53.019 acre tract and said Lot 2, Block B, a distance of 367.90 feet to the Southeast corner of said Lot 2, Block B, in the center of a branch on the South line of that certain called 1.4993 acre tract of land described in a deed to Sterling Bank, recorded in Doc.#20100107000016640, DRCT;

THENCE: South 61 deg. 34 min. 33 sec. East, along the common line of common line of said 53.019 acre tract and said 1.4993 acre tract, with the center of said branch, a distance of 84.56 feet to a point for corner at the centerline intersection of said branch and Jean's Creek. Said point being the most Southerly corner of said 1.4993 acre tract;

THENCE: Northerly along the common line of said 53.019 acre tract and said 1.4993 acre tract, with the center of said Jean's Creek as follows:

North 0 deg. 19 min. 34 sec. East, a distance of 75.00 feet to a point for corner;
North 67 deg. 44 min. 19 sec. East, a distance of 58.00 feet to a point for corner;
North 06 deg. 39 min. 45 sec. West, a distance of 55.00 feet to a point for corner;
North 63 deg. 34 min. 06 sec. East, a distance of 47.00 feet to a point for corner;
North 33 deg. 42 min. 02 sec. West, a distance of 68.00 feet to a point for corner;
North 65 deg. 57 min. 55 sec. West, a distance of 71.70 feet to a point for corner;
North 05 deg. 53 min. 13 sec. West, a distance of 28.10 feet to a T-Post found for corner in the South Right-of-way line of the aforementioned U.S. Highway 380 (variable width R.O.W.);

THENCE: South 74 deg. 52 min. 44 sec. East, along the South line of said U.S. Highway 380, a distance of 5.03 feet to a 1/2 inch iron rod found for corner;

THENCE: South 89 deg. 08 min. 25 sec. East, along the South line of said U.S. Highway 380, a distance of 107.06 feet to a State of Texas Highway Department aluminum disk found in concrete for corner;

THENCE: North 81 deg. 09 min. 51 sec. East, along the South line of said highway, a distance of 54.01 feet to a 1/2 inch iron rod found for the most Easterly Northeast corner of said 53.019 acre tract and the Northwest corner of Lot 2, Block A of Cameron Crossing, an addition to the City of McKinney according to the Final Plat thereof recorded in Cabinet K, Page 441, MPRCT;

THENCE: Along the common line of said 53.019 acre tract and said Cameron Crossing as follows:

South 01 deg. 33 min. 42 sec. West - 296.09 feet to a 1/2 inch iron rod found for corner;
South 05 deg. 08 min. 07 sec. East - 201.77 feet to a "X" in concrete wall found for corner;
South 01 deg. 59 min. 11 sec. West - 501.99 feet to a 1/2 inch iron rod found for corner;
South 08 deg. 02 min. 50 sec. East - 303.10 feet to a 1/2 inch iron rod found for corner;
South 04 deg. 28 min. 37 sec. West - 507.94 feet to a 1/2 inch iron rod found for the most Easterly Southeast corner of said 53.019 acre tract and the Southwest corner of said Cameron Crossing and being on the North line of that certain called 7.304 acre tract of land described in a deed to Mistletoe Heights, L.L.C., recorded in Volume 4033, Page 1661, DRCT;

THENCE: North 86 deg. 46 min. 57 sec. West, along the common line of said 53.019 acre tract and said 7.304 acre tract, a distance of 355.51 feet to a 1/2 inch iron rod found for an inside ell corner of said 53.019 acre tract and the Northwest corner of said 7.304 acre tract;

THENCE: South 02 deg. 17 min. 38 sec. West, along the southeasterly line of said 53.019 acre tract and the West line of said 7.304 acre tract, at 185.16 feet passing a 1/2 inch iron rod found for the most Westerly Southwest corner of said 7.304 acre tract and continuing on for a total distance of 258.06 feet to a 1/2 inch iron rod found in stone rip rap at the bottom of a small branch for corner, said point also being on the West line of a tract of land conveyed to Don Mitchell and recorded in Volume 1176, Page 871, DRCT;

THENCE: North 87 deg. 34 min. 16 sec. West, along the South line of said 53.019 acre tract, a distance of 1106.60 feet to the POINT OF BEGINNING and containing 2,309,512 square feet or 53.019 acres of land more or less.

This exhibit was received by
the Planning Department on
October 10, 2011.

EXHIBIT B