

NO. 1509

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 SO THAT 229 ACRES OF LAND IN THE W. B. TUCKER AND JOHN MCGARRAH SURVEYS LOCATED NORTH OF OLD CELINA ROAD AND WEST OF U. S. HWY. 75 AND SOUTH OF BLOOMDALE ROAD IS ZONED SINGLE FAMILY RESIDENCE - 12,000 SQUARE FEET MINIMUM LOT SIZE; SINGLE FAMILY RESIDENCE - 6,000 SQUARE FEET MINIMUM LOT SIZE; SINGLE FAMILY RESIDENCE - 4,500 MINIMUM LOT SIZE (ZERO LOT LINE HOMES); GENERAL RESIDENCE - 2,500 SQUARE FEET MINIMUM PER UNIT; GENERAL RESIDENCE - 1,800 SQUARE FEET MINIMUM PER UNIT, AND PLANNED CENTER DISTRICT; ADOPTING A ZONING MAP; ADOPTING DEVELOPMENT REGULATIONS; PROVIDING FOR A SITE PLAN; 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.

THAT WHEREAS, the owner or owners of 229 acres of land in the W. B. Tucker and John McGarrah Survey, and more fully described in the attached Exhibit "A", have petitioned the City of McKinney to zone such property as set forth in the caption hereof, and,

WHEREAS, after due notice of the requested zoning changes 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, the City Council is of the opinion that such zoning change should be made.

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

SECTION I: That Ordinance No. 1270 is hereby amended so that the property described in the attached Exhibit "A" is hereby zoned Single Family Residence - 12,000 Square Feet Minimum Lot Size; Single Family Residence - 6,000 Square Feet Minimum Lot Size, Single Family Residence - 4,500 Square Feet Minimum Lot Size (Zero Lot Line Homes); General Residence - 2,500 Square Feet Minimum Per Unit; General Residence - 1,800 Square Feet Minimum Per Unit and Planned Center District, all in accordance with the zoning map attached hereto and marked Exhibit "B".

SECTION II: The following special development regulations shall apply: A 6,000 square feet minimum lot size shall be maintained along the east boundary of the single family residence, 4,500 square feet minimum lot size district south of Wilmeth Road.

SECTION III: That prior to the development of such planned center district, a complete site plan and landscape plan shall receive the approval of the Planning and Zoning Commission and the City Council of the City of McKinney.

SECTION IV: That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development Zone, or specific regulations contained herein. This Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

SECTION V: 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 VI: 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 therefor, 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.

TRACT 1

SITUATED in Collin County, Texas, a part of the John McGarrah Survey, Abstract No. 572 and being all of a called 30.581 acre tract of land conveyed to Joe C. Bridgefarmer and wife from James L. Walker and wife by deed dated March 6, 1979 and recorded in volume 1162, page 394 of the Deed Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod for corner near a fence corner post at the northeast corner of said 30.581 acre tract and at the northeast corner of said McGarrah Survey;

THENCE: S 0° 18' 53" W 3209.24 feet along and near an established fence and hedgerow and with the east line of said survey to an iron rod for corner in the center of a public road;

THENCE: N 87° 38' 00" W 416.31 feet along the center of said road to an iron rod for corner;

THENCE: With the west line of said 30.581 acre tract along a fence as follows;

N 0° 16' 11" E 785.53 feet;

N 0° 16' 55" E 1357.70 feet;

N 0° 23' 16" E 1045.71 feet to a fence corner post for corner in the north line of said survey;

THENCE: N 89° 34' 20" E 416.14 feet along and near a fence and with the north line of said McGarrah Survey to the POINT OF BEGINNING and containing 30.609 acres of land more or less, of which apparently 0.239 acres lie within the public road leaving 30.370 acres more or less.

TRACT 2

SITUATED in Collin County, Texas in the T.J. McDonald Survey Abstract No. 576 and being all of a called 101.016 acre tract of land conveyed to Joe C. Bridgefarmer from Carolyn Pitts Corbin et al by deed dated September 26, 1977 and recorded in volume 1074, page 602 of the Deed Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod at a fence corner post and at the north west corner of said McDonald Survey:

THENCE: With the west line of said 101.016 acre tract along a fence as follows:

S 1° 38' 32" W 624.33 feet;

S 0° 40' 15" E 1061.54 feet to an iron rod for corner at a fence corner post;

THENCE: N 89° 56' 37" E 2343.34 feet along and near a fence to an iron rod for corner at a fence post;

THENCE: N 1° 13' 49" E 845.90 feet along and near a fence to an iron rod for corner at a fence corner post;

THENCE: S 89° 12' 40" E along and near a fence passing an iron rod at 706.33 feet and continuing for a total distance of 739.83 feet to an iron rod for corner in a public road;

THENCE: With the public road as follows:

N 13° 32' 31" W 461.90 feet;

N 39° 32' 03" W 213.00 feet;

N 55° 17' 55" W 353.30 feet to an iron rod for corner from which an iron rod for reference bears N 89° 15' 22" W 222.87 feet;

THENCE: N 89° 15' 22" W 2561.82 feet along and near a fence to the POINT OF BEGINNING and containing 101.247 acres of land more or less, of which 0.791 acres lies within said public road, leaving a net of 100.456 acres of land more or less, said 101.247 acre tract being subject to an easement to the Collin County Soil Conservation District from James M. Pitts et al by deed dated April 29, 1960 and recorded in volume 582, page 375 of the Deed Records of Collin County, Texas.

SECTION VII: 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 the 15th day of January, 1985.

CORRECTLY ENROLLED:

Jennifer M. Cravens
JENNIFER CRAVENS

SITUATED in Collin County, Texas in the W.B. Tucker Survey, Abstract Number 911 and in the John McGarrah Survey, Abstract Number 572 and being a consolidation of a called 97.215 acre tract, a 2.587 acre tract, a 2.999 acre tract, less a 5.862 acre tract of land, said 97.215 acre tract of land conveyed to Joe C. Bridgefarmer, Trustee by Independent Co-Executors Deed dated March 1, 1978 and recorded in volume 1095, page 744 of the Deed Records of Collin County, Texas, said 2.587 and 2.999 acre tracts of land conveyed to Joe C. Bridgefarmer, Trustee from Marjorie Nell Wilburn, Trustee by deed dated June 26, 1980 and recorded in volume 1278, page 321 of the Deed Records of Collin County, Texas, said 5.862 acre tract of land conveyed to Marjorie Nell Wilburn, Trustee from Joe C. Bridgefarmer, Trustee by deed dated June 26, 1980 and recorded in volume 1278, page 319 of the Deed Records of Collin County, Texas and said consolidation being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod at a fence corner post at the northeast corner of said McGarrah Survey;

THENCE: S 89° 34' 20" W 416.14 feet with the north line of said McGarrah Survey along and near a fence to a fence post for corner;

THENCE: With the east line of said 97.215 acre tract along a fence as follows:

S 0° 23' 16" W 1045.71 feet;

S 0° 16' 55" W 1357.70 feet;

S 0° 16' 15" W 760.53 feet to an iron rod in the north line of a public road;

THENCE: N 87° 28' 15" W 689.62 feet along the north Right-of-Way line of said road to an iron rod for corner at the southeast corner of said 5.862 acre tract;

THENCE: N 0° 20' 17" E 2436.73 feet along the east line of said 5.862 acre tract to an iron rod for corner in a fence line;

THENCE: S 89° 53' 31" W 283.91 feet along the north line of said 5.862 acre tract and along the south line of said 2.999 acre tract also along and near a fence to a iron rod for corner at a fence corner post at the southwest corner of said 2.999 acre tract;

THENCE: N 0° 29' 06" W 705.49 feet along and near a fence and with the west line of said 2.999 acre tract to a fence post for corner;

THENCE: S 89° 44' 48" E along and near a fence and with the north line of said 2.999 acre tract and continuing with the most westerly north line of said 97.215 acre tract for a total distance of 222.95 feet to a fence post for corner;

THENCE: With the west line of said 2.587 acre tract along and near a fence as follows:

N 17° 20' 49" E 369.14 feet;

N 22° 25' 32" E 556.87 feet to a fence post for corner;

THENCE: With the west line of said 97.215 acre tract along and near a fence as follows:

N 8° 26' 01" E 560.87 feet to an iron rod at a fence post;

S 71° 16' 39" E 263.74 feet to a fence post;

N 4° 23' 43" E 115.52 feet to a tree for a fence post;

N 4° 01' 05" E 708.61 feet to the center of a creek;

THENCE: With the meanders of said creek as follows:

N 57° 49' 13" W 15.45 feet,

N 47° 09' 47" E 60.0 feet,

N 14° 11' 13" W 57.0 feet,

N 72° 47' 47" E 33.0 feet,

N 04° 13' 13" W 58.0 feet,

N 55° 05' 47" E 64.0 feet,

N 12° 04' 47" E 48.0 feet,

N 03° 56' 13" W 74.0 feet,

N 37° 22' 47" E 81.0 feet,

N 42° 58' 13" W 49.0 feet,

N 54° 50' 47" E 30.0 feet,

S 74° 00' 13" E 79.0 feet,

N 76° 19' 47" E 47.0 feet,

S 83° 00' 13" E 60.0 feet,

N 20° 39' 47" E 62.0 feet,

N 12° 00' 13" W 86.0 feet,

.. 50° 27' 17" E 22.0 feet,

THENCE: S 89° 27' 15" E 108.90 feet with the north line of said 97.215 acre tract along and near a fence to an iron rod for corner at a fence corner post;

THENCE: With the east line of said 97.215 acre tract along a fence line as follows:

S 1° 38' 32" W 624.33 feet;

S 0° 40' 15" E 1061.54 feet to an iron rod at a fence post;

THENCE: S 0° 08' 21" E 1064.69 feet to the POINT OF BEGINNING and containing 97.236 acres of land more or less and being subject to the following:

1. An easement to TP&L from J.S. Bridgefarmer by deed dated May 29, 1945 and recorded in volume 368, page 490 of the Deed Records of Collin County, Texas.
2. An easement to Southwestern Bell Telephone from U.S. Bridgefarmer by deed dated October 19, 1950 and recorded in volume 420, page 592 of the Deed Records of Collin County, Texas.
3. An easement to Collin County Soil Conservation District of McKinney from U.S. Bridgefarmer by deed dated May 28, 1960 and recorded in volume 582, page 374 of the Deed Records of Collin County, Texas.
4. An easement to TP&L from U.S. Bridgefarmer by deed dated June 21, 1973 and recorded in volume 881, page 335 of the Deed Records of Collin County, Texas.
5. An easement to TP&L from U.S. Bridgefarmer by deed dated February 7, 1975 and recorded in volume 952, page 672 of the Deed Records of Collin County, Texas.

Other Exhibits (24x36)
are in the
sleeve w/ the
physical copy