

ORDINANCE NO. 2020-01-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 14.68 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF AIRPORT DRIVE AND HARRY MCKILLOP BOULEVARD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "LI" – LIGHT INDUSTRIAL 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 14.68 acre property, located on the southwest corner of Airport Drive and Harry McKillop Boulevard, which is more fully depicted on Exhibits "A", "B" and "C" attached hereto, from "AG" – Agricultural District to "LI" – Light Industrial District; and,

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 HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

- Section 1. The zoning map is hereby amended so that an approximately 14.68 acre property, located on the southwest corner of Airport Drive and Harry McKillop Boulevard, which is more fully depicted on Exhibits "A", "B" and "C" attached hereto, is rezoned from "AG" – Agricultural District to "LI" – Light Industrial District.
- Section 2. The subject property shall develop in accordance with Section 146-114 ("LI" – Light Industrial District) of the Zoning Ordinance, and as amended.
- 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 7th DAY OF JANUARY, 2020.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

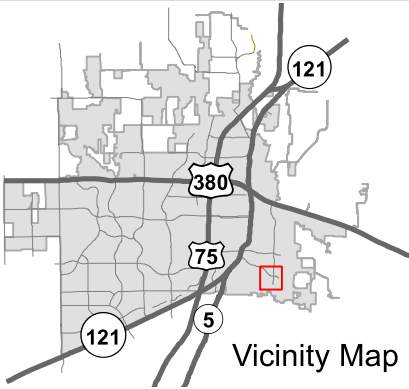
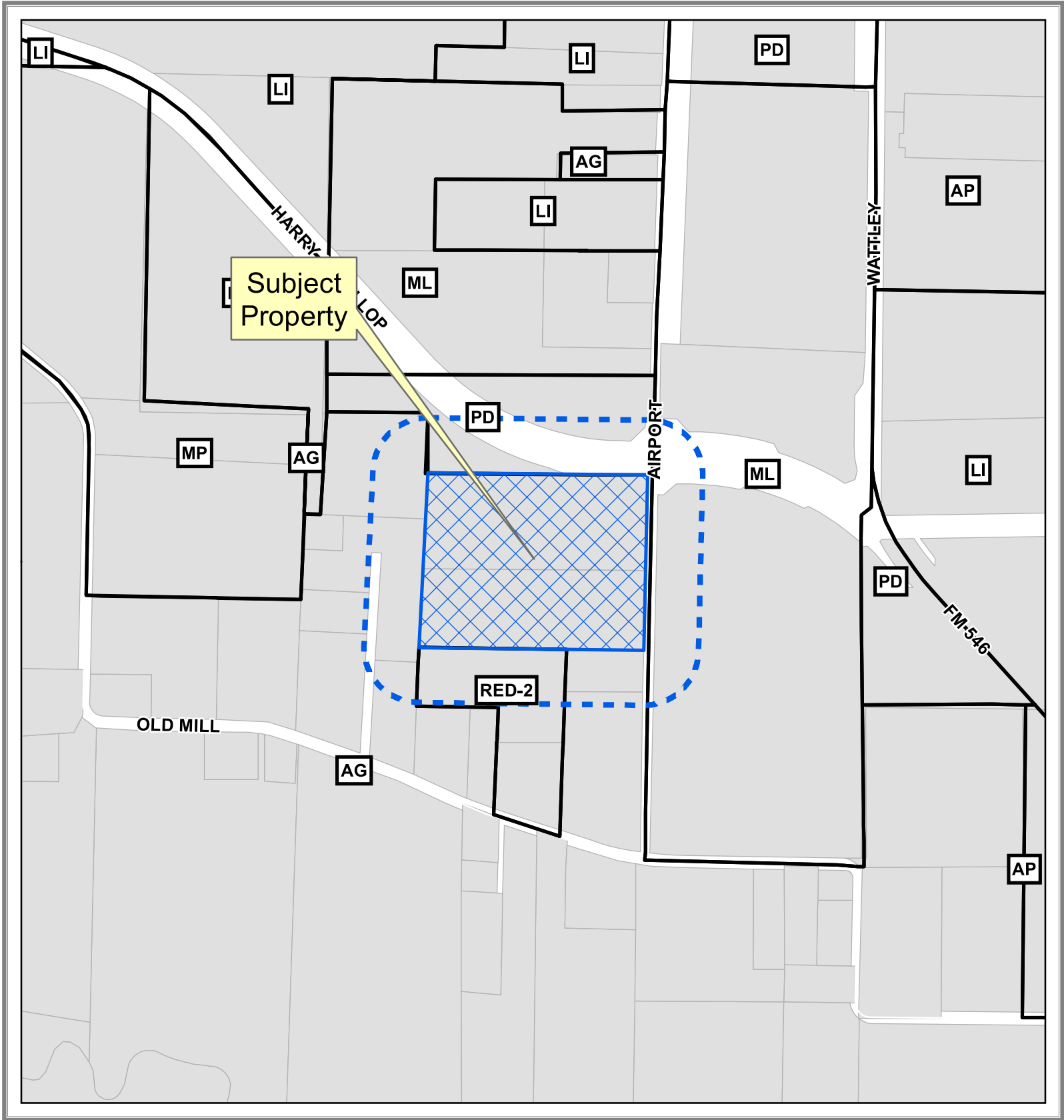
EMPRESS DRANE
City Secretary
LISA SEWELL
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

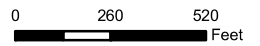
EXHIBIT A



Property Owner Notification Map

19-0102Z

----- 200' Buffer



DISCLAIMER: This map and information contained in it 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.



PROPERTY DESCRIPTION

TRACT 1
STATE OF TEXAS
COUNTY OF COLLIN

BEING a tract of land situated in the F.T. DUFFAU SURVEY, ABSTRACT NO. 287, City of McKinney, Collin County, Texas and being a portion of the same tract of land as described in deed to Carol Marthens Moody, recorded in Volume 3609, Page 220, Deed Records, Collin County, Texas (D.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron with red plastic cap stamped "W.A.I. 5714" set for corner at the Southeast end of a corner clip of a tract of land as described in deed to the State of Texas, recorded in County Clerk's File No. 2015092601221350, D.R.C.C.T., at the intersection of the Southerly right-of-way line of F.M. Highway 546 (variable width right-of-way) and the Westerly right-of-way line of Country Lane (No records found);

THENCE South 01 deg 16 min 13 sec West, departing said corner clip and along the Westerly line of said Country Lane, a distance of 300.88 feet to a 1/2-inch iron with red plastic cap stamped "W.A.I. 5714" set for corner;

THENCE North 89 deg 15 min 54 sec West, departing the Westerly line of said Country Lane, a distance of 900.06 feet to a 1/2-inch iron with red plastic cap stamped "W.A.I. 5714" set for corner, said iron rod being situated in the Easterly line of a tract of land as described in deed to Jimmy and Susan K. Montgomery, recorded in County Clerk's File No. 20121204001545850, D.R.C.C.T.;

THENCE North 03 deg 34 min 46 sec East, along said Easterly line, a distance of 203.99 feet to a 3/8-inch iron rod found for corner (CM CC #20121204001545850), said iron rod being the Northeast corner of said Jimmy and Susan K. Montgomery tract and the Southeast corner of a tract of land as described in deed to Jimmy Ray and Susan Kay Montgomery, recorded in County Clerk's File No. 20171206001614200, D.R.C.C.T.;

THENCE North 01 deg 14 min 11 sec East, departing the North line of said Jimmy and Susan K. Montgomery tract and along the East line of said Jimmy Ray and Susan Kay Montgomery tract, a distance of 154.75 feet to a 1/2-inch iron with red plastic cap stamped "W.A.I. 5714" set for corner from which a 1/2-inch iron rod found bears South 89 deg 49 min 06 sec East, a distance of 1.17 feet, said 1/2-inch iron rod set being the Southwest corner of a tract of land as described in deed to Jimmy R. and Susan K. Montgomery, recorded in County Clerk's File No. 201612140015220640, D.R.C.C.T.;

THENCE South 89 deg 25 min 54 sec East, departing the east line of said Jimmy Ray and Susan Kay Montgomery tract and along the south line of said Jimmy R. and Susan K. Montgomery tract, a distance of 573.15 feet to a 1/2-inch iron with red plastic cap stamped "W.A.I. 5714" set for corner, said iron rod being the most Westerly corner of said State of Texas tract and the beginning of a non-tangent curve to the left having a radius of 622.00 feet, a central angle of 09 deg 27 min 27 sec, a chord bearing of South 79 deg 08 min 33 sec East and a chord length of 102.55 feet;

THENCE departing the North line of said Jimmy R. and Susan K. Montgomery tract and along the Southerly line of said State of Texas tract and said non-tangent curve to the left, an arc distance of 102.67 feet to a 1/2-inch iron with red plastic cap stamped "W.A.I. 5714" set for corner and the beginning of a curve to the left having a radius of 1,207.92 feet, a central angle of 05 deg 33 min 37 sec, a chord bearing of South 86 deg 39 min 04 sec East and a chord length of 117.17 feet;

THENCE continuing along the Southerly line of said State of Texas tract and said curve to the left, an arc distance of 117.22 feet to a 1/2-inch iron with red plastic cap stamped "W.A.I. 5714" set for corner;

THENCE South 89 deg 25 min 53 sec East, continuing along said Southerly line, a distance of 34.26 feet to a 1/2-inch iron with red plastic cap stamped "W.A.I. 5714" set for corner at the Northwest end of said corner clip;

THENCE South 44 deg 06 min 53 sec East, continuing along said Southerly line and along said corner clip, a distance of 93.14 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 7.810 acres or 340,216 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 9th day of October, 2019, utilizing a G.P.S. bearing related to the Texas Coordinate System, North Texas Central Zone (4202), NAD 83, grid values from the GeoShack VRS network.

PROPERTY DESCRIPTION

TRACT 2
STATE OF TEXAS
COUNTY OF COLLIN

BEING a tract of land situated in the F.T. DUFFAU SURVEY, ABSTRACT NO. 287, City of McKinney, Collin County, Texas and being all of the same tract of land as described in deed to Carol Anne Marthens, recorded in County Clerk's File No. 200609811001150050, Deed Records, Collin County, Texas (D.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron with yellow plastic cap stamped "DAA" found for corner at the Southeast corner of said Carol Anne Marthens tract and the Northeast corner of a tract of land as described in deed to Robert G. and Susan K. Egan, recorded in County Clerk's File No. 20180110090043220, D.R.C.C.T., said iron rod being situated in the East line of Country Lane (No records found);

THENCE North 89 deg 09 min 16 sec West, departing the West line of said Country Lane, and along the North line of said Robert G. and Susan K. Egan tract and the North line of a tract of land as described in deed to Sheree Renee Reamy, recorded in Volume 4144, Page 0787, D.R.C.C.T., a distance of 913.33 feet to a 1/2-inch iron with yellow plastic cap stamped "DAA" found for corner, said iron rod being situated in the east line of a tract of land as described in deed to Jimmy and Susan K. Montgomery, recorded in County Clerk's File No. 20121204001545850, D.R.C.C.T.;

THENCE North 03 deg 34 min 46 sec East, departing the North line of said Sheree Renee Reamy tract and along the East line of said Jimmy and Susan K. Montgomery tract, a distance of 329.71 feet to a 1/2-inch iron with red plastic cap stamped "W.A.I. 5714" set for corner;

THENCE South 89 deg 15 min 54 sec East, departing the East line of said Jimmy and Susan K. Montgomery tract, a distance of 900.06 feet to a 1/2-inch iron with red plastic cap stamped "W.A.I. 5714" set for corner, said iron rod being situated in the West line of said Country Lane;

THENCE South 01 deg 16 min 13 sec West, along said West line, a distance of 331.08 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 6.873 acres or 299,383 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 9th day of October, 2019, utilizing a G.P.S. bearing related to the Texas Coordinate System, North Texas Central Zone (4202), NAD 83, grid values from the GeoShack VRS network.

SCHEDULE "B" NOTES

Items corresponding to the Commitment for Title Insurance issued September 20, 2019 by First American Title Insurance Company bearing an effective date of September 10, 2019, GFF# 2016-285553-R11.

1-10d. Intentionally omitted, by Surveyor.

10e. Intentionally deleted, by title company.

10f. Intentionally omitted, by Surveyor.

10g. Easement granted by T. T. Scalf to American Telephone & Telegraph Co., filed 12/12/1928, recorded in Volume 271, Page 604, Real Property Records, Collin County, Texas. (Due to the age and generalities, this easement could not be plotted, but may affect the subject property)

10h. Easement granted by T. T. Scalf to Texas Power & Light Company, filed 07/09/1952, recorded in Volume 455, Page 310, Real Property Records, Collin County, Texas. (Due to the age and generalities, this easement could not be plotted, but may affect the subject property)

10i. Easement granted by Carol Marthens Moody to Enserch Corporation, filed 04/23/1981, recorded in Volume 3524, Page 326, Real Property Records, Collin County, Texas. (Affects, as shown, approximate location)

10j. Easement granted by Carol Marthens Moody and Richard Kaminski to Atmos Energy Corporation, filed 06/23/2016, recorded in ccf# 201606230007959970, Real Property Records, Collin County, Texas. (Affects, as shown)

The Surveyor has not abstracted the record title and/or easements of the subject property. The Surveyor prepared this survey with the benefit of a title commitment described above and assumes no liability for any easements, right-of-way dedications or other title matters affecting the subject property which may have been filed in the real property records but are not disclosed in said title commitment.

EXHIBIT B

Table with columns: No., DATE, REVISION, addresssed title, L.I.L., APPROV.

Winkelmann & Associates, Inc. logo and contact information.

F.T. DUFFAU SURVEY, ABSTRACT NO. 287
CITY OF MCKINNEY
COLLIN COUNTY, TEXAS
STONEMONT FINANCIAL GROUP
3414 PEACHTREE ROAD, NE SUITE 250
ATLANTA GA 30326

ALTA/NPS LAND TITLE SURVEY
TRACT 1 - 7.810 ACRES
TRACT 2 - 6.873 ACRES

Date: 10/07/19
Scale: N/A
File: 16603-ALTA
Project No.: 16603.00

Winkelmann & Associates, Inc. logo and contact information.

SURVEYOR'S CERTIFICATION

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NPS Land Title Surveys, jointly established and adopted by ALTA and NPS, and includes Items 1, 2, 3, 4, 5, 7(a), 7(b)(1), 7(c), 8, 9, 13 and 14 of Table A thereof. The fieldwork was completed on 10/09/2019.

PRELIMINARY, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

Leonard J. Lueker (Original signature in red ink)
Registered Professional Land Surveyor
Texas Registration No. 5714
l.lueker@winkelmann.com

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Please note that the use of the word "CERTIFY" or "CERTIFICATE" used hereon constitutes an expression of professional opinion regarding those facts or findings which are the subject of the certification, and does not constitute a warranty or guarantee, either expressed or implied.

