

**ORDINANCE NO. 2012-05-XXX**

**AN ORDINANCE VACATING APPROXIMATELY 1,103 LINEAR FEET OF AN UNNAMED ALLEY (APPROXIMATELY 0.63 ACRES), LOCATED APPROXIMATELY 195 FEET WEST OF TENNESSEE STREET AND ON THE NORTH SIDE OF UNIVERSITY DRIVE (U.S. HIGHWAY 380), PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**WHEREAS**, the owners of the properties immediately adjacent to approximately 1,103 linear feet of an unnamed alley (approximately 0.63 acres), located approximately 195 feet west of Tennessee Street and on the north side of University Drive (U.S. Highway 380), in the City of McKinney, Collin County, Texas, have petitioned the City of McKinney to vacate said right-of-way; and

**WHEREAS**, after due notice was sent to all persons owning properties adjacent to such right-of-way and all persons affected thereby; and

**WHEREAS**, after due notice and hearing held before the City Council of the City of McKinney, the City Council has determined and finds that the right-of-way is not needed for travel by the general public, and that the same should be abandoned.

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

Section 1. The approximately 1,103 linear feet of an unnamed alley (approximately 0.63 acres), located approximately 195 feet west of Tennessee Street and on the north side of University Drive (U.S. Highway 380), in the City of McKinney, which is more fully depicted in Exhibit A and Exhibit B, attached hereto, is hereby closed and abandoned for public travel.

Section 2. The City reserves an exclusive, perpetual City mutual access, drainage and utility easement within "Tract 1" of the abandoned alley, more fully depicted in Exhibit C, attached hereto.

Section 3. The City reserves an exclusive, perpetual City drainage and utility easement within "Tract 2" of the abandoned alley, more fully depicted in Exhibit C, attached hereto.

Section 4. This ordinance shall become effective immediately upon adoption.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 1st DAY OF MAY, 2012.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

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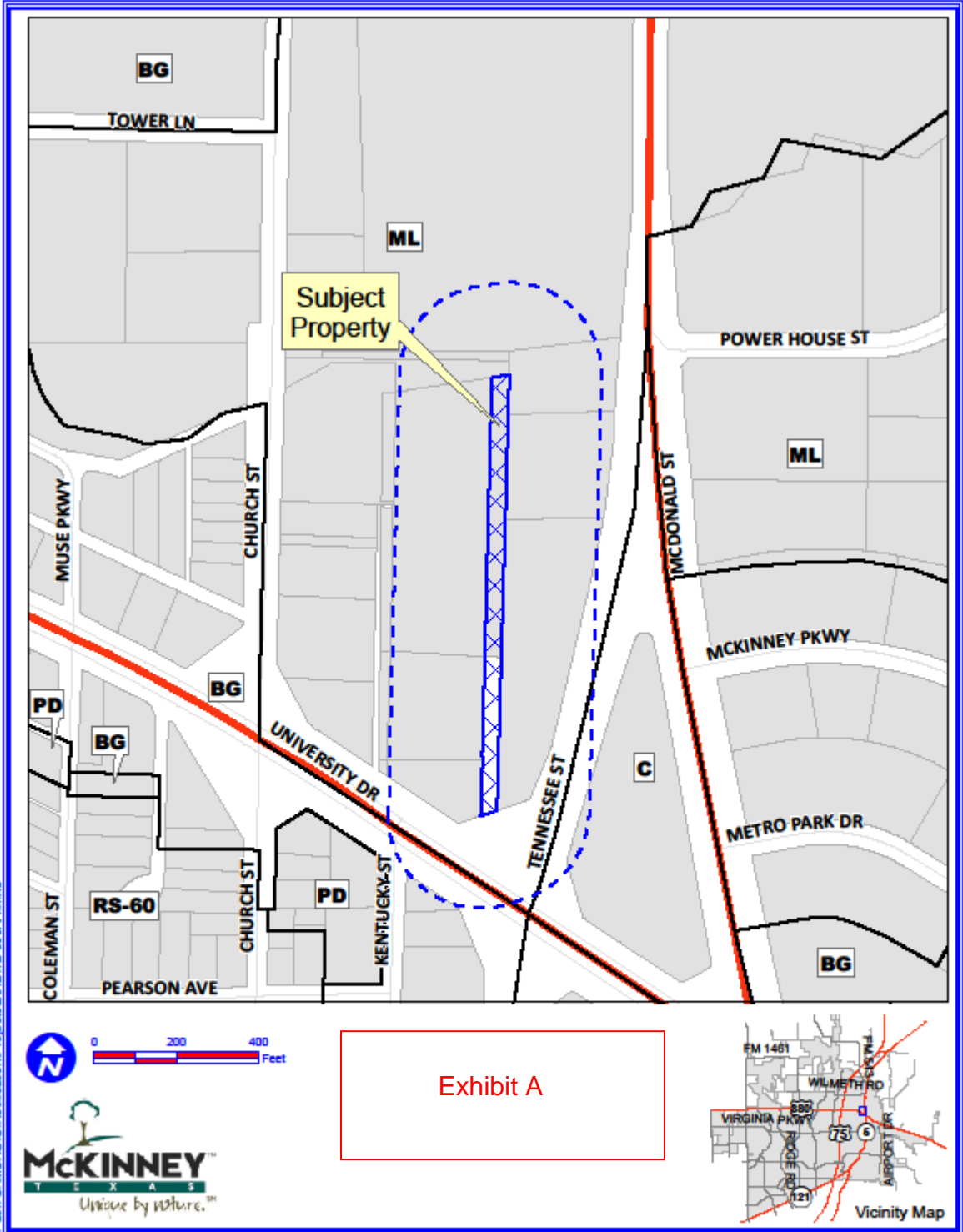
SANDY HART, TRMC, MMC  
City Secretary  
BLANCA I. GARCIA  
Assistant City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney



Path: S:\MCK\GIS\Notification\Projects\2012\12-059AA.mxd

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.

## DESCRIPTION OF ALLEY QUIT CLAIM EASEMENTS

BEING a 25 foot wide strip of land situated in the William Davis Survey, Abstract Number 248 and being situated in the Millie Muse Addition, an addition to the City of McKinney, Collin County, Texas, and also in the Action Addition, an addition to the City of McKinney, Collin County, Texas according the Map or Plat thereof recorded in Volume 12, Page 71 of the Plat Records of Collin County, Texas, and being all of a called 25 foot wide strip of land labeled Upper Bonham Road as indicated on the Plat Map of Millie Muse Addition recorded in Volume 1, Page 175 and Volume 1, Page 178 of the Plat Records of Collin County, Texas, and said 25 foot wide strip of land being more particularly described by metes and bounds in two tracts as follows:

### TRACT 1

#### **An Easement for Mutual Access, Drainage and Utilities**

BEGINNING at the Southeast corner of said Upper Bonham Road and the Southwest corner of Lot 1 of said Action Addition and the Southeast corner of that certain 0.472 acre tract of land conveyed to Samaritan Inn, Inc. October 19, 2006 and filed as Collin County Clerk's instrument number 1523670, and said **Point of Beginning** lying on the northerly Right-of-Way line of University Drive (US Highway 380 variable width public ROW);

THENCE: North 01 Degrees 33 Minutes 33 Seconds East, along the East line of said Upper Bonham Road and the East line of the Samaritan Inn tract and the West line of Action Addition Lot 1, a distance *134.22 feet* passing the northeast corner of the Samaritan Inn tract and the Southeast corner of that certain tract of land conveyed to VSI IV McKinney Safeway, LLC being all of Lots 18-22 in the Millie Muse Addition recorded in Volume 1, Page 175 and Volume 1, Page 178 of the Plat Records of Collin County, Texas; and, said corners lying on the west line of said Action Addition Lot 1 and continuing along the East line of said McKinney Safeway tract and the West line of said Action Addition Lot 1 an additional *249.10 feet* passing the Northeast corner of said McKinney Safeway tract and the Southeast corner of Action Addition Lot 2, and said corners lying on the West line of the said Action Addition Lot 1 and continuing along the East line of Action Addition Lot 2 being also the West line of said Action Addition Lot 1 an additional *70.59 feet*, a total distance, in all, of 454.05 feet to a point lying thereon for the Northeast corner of this herein described Tract 1 and lying upon the East line of Action Addition Lot 2 and the West Line of Action Addition Lot 1, and:

THENCE: North 88 Degrees 26 Minutes 27 Seconds West 25 feet upon, and across, said Upper Bonham Road and Action Addition Lot 2 to a point for the Northwest corner of this herein described Tract 1; and,

THENCE: South 01 Degrees 33 Minutes 33 Seconds East upon, and across, Action Addition Lot 2 and along the West line of Upper Bonham Road at the distance of *70.59 feet* passing the South line of Action Addition Lot 2 and the North line of said McKinney Safeway tract and continuing along the West line of said Upper Bonham Road upon, and across, the said McKinney Safeway tract a distance of *249.10 feet* passing the South line of said McKinney Safeway tract and the North line of said Samaritan Inn tract and continuing along the West line of Upper Bonham Road upon, and across, the

Exhibit B

Samaritan Inn tract a distance of *145.20 feet*, for a total distance, in all, of 464.89 feet to a point for the Southwest corner of this herein described Tract 1 and lying upon the South line of the said Samaritan Inn tract and lying upon the northerly Right-of-Way line of University Drive (US Highway 380 variable width public ROW);

THENCE North 68 Degrees 06 Minutes 39 Seconds East along the South line of said Samaritan Inn tract and along the northerly Right-of-Way line of University Drive (US Highway 380 variable width public ROW) to the **Point of Beginning** for this Tract 1 and containing 0.264 acres of land, more or less.

## **TRACT 2**

### **An Easement for Drainage and Utilities**

BEGINNING at the Northeast corner of the herein described TRACT 1 lying upon the East line of said Upper Bonham Road, the East Line of Action Addition Lot 2 and the West line Action Addition Lot 1; and,

THENCE: North 01 Degrees 33 Minutes 33 Seconds East, along the East line of said Upper Bonham Road and the East line Action Addition Lot 2 and the West line of Action Addition Lot 1 a distance *250.03 feet* passing the Northwest corner of Action Addition Lot 1 being also the Southwest corner of that certain tract 1.313 acres of land conveyed to Bipinchandra Patel and Jayaben Patel October 15, 1998 by Special Warranty Deed recorded in Volume 4274, Page 1549 Collin County Deed Records and continuing *256.57 feet* along the East line of Action Addition Lot 2 and the West line of the Patel tract to a point on the East line of Action Addition Lot 2 at the Northwest corner of the Patel Tract being also the Southwest corner of that certain 0.912 acre tract of land conveyed to Donald M. and Daryl Motsenbocker January 31, 2002 General Warranty Deed recorded in Volume 5098, Page 4604 Collin County Deed Records and continuing along the East line of Action Addition Lot 2 and the West line of the said Motsenbocker 0.912 acre tract distance of 131.76 feet for a total distance, in all, of 638.37 feet to a point thereon for the Northeast corner of this herein described Tract 2 lying on the South Right of Way line of Muse Parkway, an abandoned 40 ft. Right of Way; and,

THENCE: South 80 Degrees 01 Minutes 14 Seconds West upon, and across, Action Addition Lot 2 and along the South Right of Way line of Abandoned Muse Parkway to a point thereon for the Northwest corner of this herein described Tract 2; and,

THENCE: South 01 Degrees 33 Minutes 33 Seconds West 633.26 feet along the West line of said Upper Bonham Road upon, and across, Action Addition Lot 2 to a point for corner thereon for the Southwest corner of this herein described Tract 2 at the Northwest Corner of the hereinabove described Tract 1; and,

THENCE: South 88 Degrees 26 Minutes 27 Seconds East 25.00 feet to the **Point of Beginning** for this Tract 2 and containing 0.365 acres of land, more or less.

Exhibit B

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**Exhibit C**

**APPLICANT:**  
 The Sponsor: Jm, Inc.  
 c/o Jim Molitoris  
 1725 N. McDonald St.  
 McKinney, TX 75070  
 972-532-1280



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**THRIFT STORE**  
 1275 N. McDONALD ST.  
 MCKINNEY, TEXAS  
**QUIT CLAIM EASEMENTS**

NO.	REVISIONS	DATE