

ORDINANCE NO. 2013-04-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ANNEXING CERTAIN TERRITORIES TO THE CITY OF MCKINNEY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of McKinney, Texas has adopted an updated Comprehensive Plan to encourage and coordinate future physical development within its Ultimate Planning Area; and

WHEREAS, the City of McKinney recognizes that certain mechanisms are necessary to implement said Comprehensive Plan; and

WHEREAS, the Comprehensive Annexation Plan is such a mechanism to aid in the implementation of the Comprehensive Plan; and

WHEREAS, the specific purposes of the Comprehensive Annexation Plan are:

1. to aid in implementing the City of McKinney Comprehensive Plan,
2. to define and protect the ultimate boundaries of McKinney,
3. to ensure responsible planning,
4. to encourage quality development in the future, and
5. to ensure the continued attractive and efficient growth of the City; and

WHEREAS, the protection of the public health and general welfare of the people of the City of McKinney requires that such development be in an orderly manner and controlled by the City of McKinney; and

WHEREAS, two public hearings were held before the City Council of the City of McKinney, Texas, on the 18th day of March, 2013, at 5:30 p.m., and on the 19th day of March, 2013, at 6:00 p.m., which dates were not more than forty (40) days nor less than twenty (20) days prior to the institution of annexation proceedings; and

WHEREAS, a third and final public hearing was held before the City Council of the City of McKinney, Texas, on the 16th day of April, 2013, at 6:00 p.m., to consider the adoption of an ordinance to annex the subject property at the voluntary request of the property owners; and

WHEREAS, notice of such public hearings were published in a newspaper having general circulation in the City of McKinney, Texas, the 3rd day of March, 2013, and the 31st day of March, 2013, which dates were not more than twenty (20) days nor less than ten (10) days prior to the day of such public hearings; and

WHEREAS, the territory lies adjacent to and adjoins properties within the City of McKinney, Texas;

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

Section 1. The following described and illustrated land and territories lying adjacent to and adjoining properties within the City of McKinney, Texas, are hereby added and annexed to the City of McKinney, Texas, to wit:

**SEE ATTACHED EXHIBIT A (LOCATION MAP)
SEE ATTACHED EXHIBIT B (LEGAL DESCRIPTION)
SEE ATTACHED EXHIBIT D (PROPERTY DESCRIPTION)**

- Section 2. The above described and illustrated territory lying adjacent to and adjoining said territory above shall hereafter be included within the boundary limits of the City of McKinney, Texas, and the present boundary limits of said City, at the various point contiguous to the area described and illustrated above, are altered and amended so as to include said area within the corporate limits of the City of McKinney, Texas.
- Section 3. The Service Plan (Exhibit C) shall be adopted by the McKinney City Council and shall apply to all areas annexed.
- Section 4. 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 5. 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 16TH DAY OF APRIL, 2013.

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

Exhibit A – Location Map

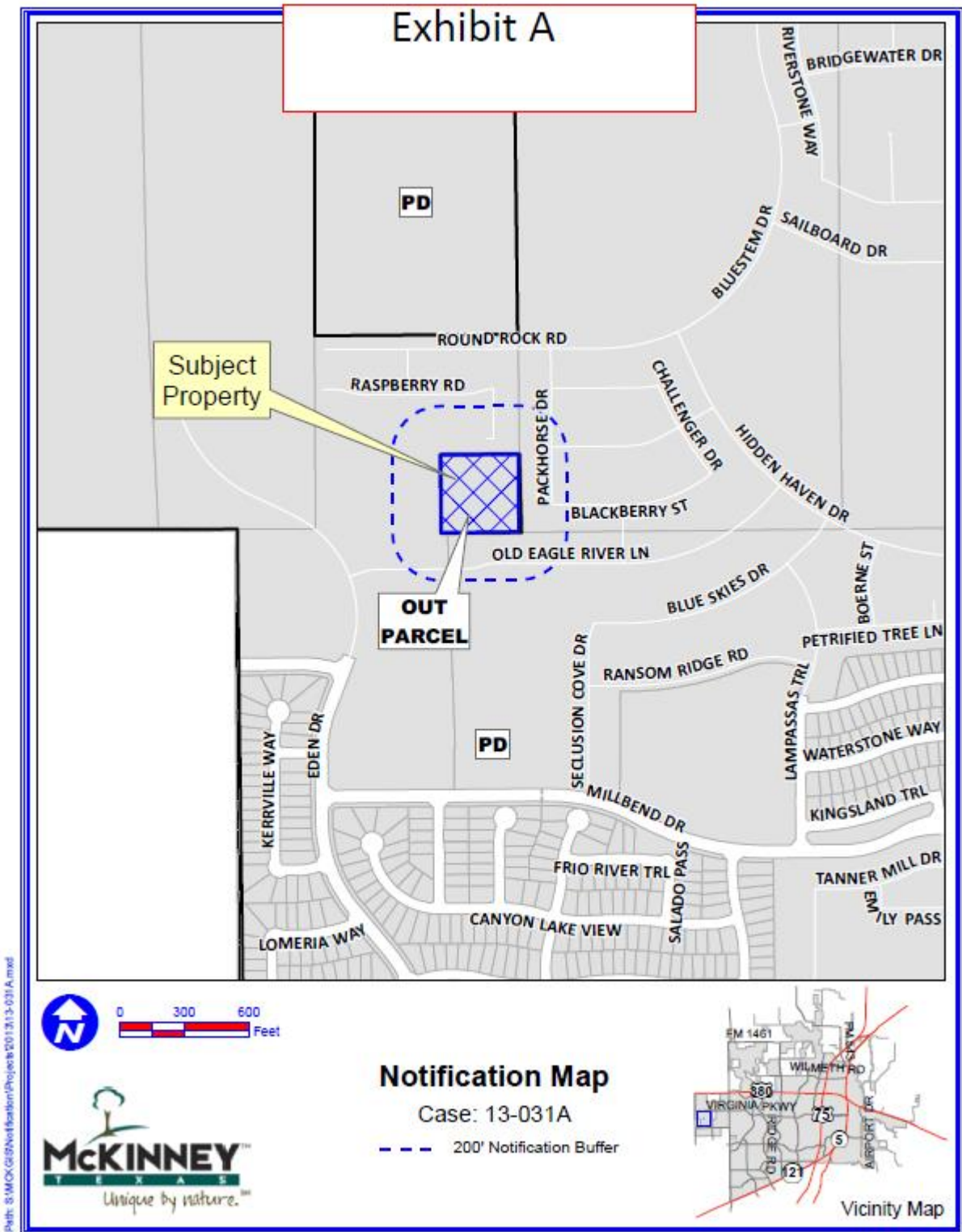


Exhibit B – Legal Description

LEGAL DESCRIPTION

BEING all that tract of land in the City of McKinney, Collin County, Texas, being a part of the Henry Slack Survey, Abstract No. 840 and being all of that called 3 acre tract (Tract Two) of land described in a Warranty Deed to Texas Municipal Power Agency (4/5 interest) and Brazos Electric Power Cooperative (1/5 interest), as recorded in Volume 1205, Page 18 of the Deed Records of Collin County, Texas (D.R.C.C.T.), and being further described as follows:

BEGINNING at a five-eighths inch iron rod found for the northeast corner of said 3 acre tract of land, said point being in the south line of a called 333.861 acre tract of land described in a Special Warranty Deed to D.R. Horton - Texas, Ltd. as recorded in Volume 6051, Page 44, (D.R.C.C.T.);

THENCE South 00 degrees 01 minutes 29 seconds West, 361.45 feet with the south line of said 333.861 acre tract of land to a five-eighths inch iron rod found for corner in the north line of a called 159.752 acre tract land described in a Special Warranty Deed to D.R. Horton – Texas, Ltd., as recorded in Volume 6051, Page 29 (D.R.C.C.T.);

THENCE South 89 degrees 45 minutes 19 seconds West, 297.88 feet to a five-eighths inch iron rod found for the northwest corner of said 159.752 acre tract of land, said point being in the south line of said 333.861 acre tract of land;

THENCE continuing with the south line of said 333.861 acre tract of land as follows:

North 89 degrees 11 minutes 20 seconds West, 63.94 feet to a five-eighths inch iron rod found for corner;

North 00 degrees 07 minutes 05 seconds East, 361.31 feet to a one-half inch iron rod found for corner;

North 89 degrees 55 minutes 09 seconds East, 361.22 to the POINT OF BEGINNING and containing 130,820 square feet or 3.003 acres of land.

“This document was prepared under 22 TAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.”

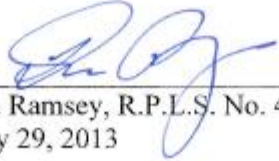

Dan B. Ramsey, R.P.L.S. No. 4172
January 29, 2013



Exhibit C – Service Plan



CITY OF MCKINNEY, TEXAS SERVICE PLAN FOR ANNEXED AREA

ANNEXATION ORDINANCE NO. 2013-04-XXX

DATE OF ANNEXATION ORDINANCE: April 16, 2013

ACREAGE ANNEXED: 3.00 Acres

A component of the City of McKinney, Texas 2004 Comprehensive Plan is the annexation of the Ultimate Planning Area to define the boundaries of the City. The intent of this annexation and subsequent annexations is to assure continued, attractive, and efficient growth.

Municipal services shall be provided to the annexed tract(s) of land, by the City of McKinney, Texas, in accordance with the following provisions and V.T.C.A., Local Government Code, Section 43.065 (Vernon 2000).

A. POLICE PROTECTION:

1. Police personnel and equipment from the McKinney Police Department shall be provided to the area annexed on the effective date of this ordinance.
2. Police protection services shall be provided at a level of services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever is applicable.

B. FIRE PROTECTION:

1. Fire protection and Emergency Medical Services (EMS) from the McKinney Fire Department shall be provided to the area on the effective date of this ordinance.
2. Fire protection services shall be provided at a level of services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever is applicable.

C. FIRE PREVENTION:

The services of the City of McKinney Fire Marshal shall be provided to the area upon the effective date of this ordinance.

D. SOLID WASTE COLLECTION:

1. Solid waste collection shall be provided to the area annexed upon the effective date of this ordinance.

Exhibit C – Service Plan

2. Solid waste collection services shall be provided at a level of service at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.
3. The collection of refuse from individual properties shall be made in accordance with the usual Sanitation Department scheduling. Residential customers may utilize the North Texas Municipal Water District - McKinney Landfill in accordance with City ordinances.

E. WATER SERVICE:

1. For portions of the annexed area within the City of McKinney legally certificated area (CCN) the City of McKinney shall provide water services to this annexed area by any of the methods by which it extends the services to any other area of the municipality. For new development, the City of McKinney requires developers to construct the necessary infrastructure to meet the needs of the development. This requirement may also include off-site improvements.
2. The responsibility for construction of the infrastructure by the developer is noted in the pending Developer Agreement.
3. For portions of the annexed area within the City of McKinney legally certificated area (CCN), the City of McKinney shall allow the provision of extensions of water facilities to the areas annexed on the effective date of this ordinance. Such extensions shall be in accordance with Section 110-1 through 110-165 of the Code of Ordinances, City of McKinney, and as amended.
4. Connection to existing city water mains for water service will be provided in accordance with existing City Policies. Upon connection to existing mains, water will be provided at rates established by City Ordinance.
5. For portions of the annexed area within the City of McKinney legally certificated area (CCN), water services shall be provided at a level of services at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.
6. Water mains installed or improved to City standards within the annexed area which are part of the City of McKinney water system and are located within dedicated easements, rights-of-way, or any other acceptable location approved by the City Engineer, shall be maintained by the City of McKinney upon the effective date of this ordinance.
7. Maintenance of private lines will be the responsibility of the owner or occupant.
8. Where other water districts provide water service, the development shall still meet the City of McKinney standards for the sizing and construction of utilities.

F. SANITARY SEWER SERVICE:

1. The City of McKinney shall provide sewer services to this annexed area by any of the methods by which it extends the services to any other area of the municipality. For new development, the City of McKinney requires

Exhibit C – Service Plan

developers to construct the necessary infrastructure to meet the needs of the development. This requirement may also include off-site improvements.

2. The City of McKinney shall allow the provision of extensions of sanitary sewer facilities to the areas annexed upon the effective date of this ordinance. Such extensions shall be in accordance with Section 110-1 through 110-165 of the Code of Ordinances, City of McKinney, and as amended.
3. Connection to existing city sanitary sewer mains for sewage service will be provided in accordance with existing City Policies. Upon connection to existing mains, sanitary sewer collection will be provided at rates established by City Ordinances.
4. Sanitary sewer services shall be provided at a level of services at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.
5. Sanitary sewer mains and lift stations installed or improved to City Standards within the annexed area which are located within dedicated easement, rights-of-way, or any other acceptable location approved by the City Engineer, shall be maintained by the City of McKinney upon the effective date of this ordinance.

G. STREETS:

1. Emergency street maintenance shall be provided for publicly dedicated streets or roads within the areas annexed upon the effective date of this ordinance. Routine maintenance will be scheduled as part of the City's annual street maintenance program in accordance with the then current policies and procedures defined by ordinance.
2. Street services shall be provided at a level of services at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.

H. PARKS AND RECREATION:

1. The City of McKinney shall provide parks and recreation services to this annexed area by any of the methods by which it extends the services to any other area of the municipality. For new development, the City of McKinney requires developers to construct hike/bike trails in keeping with the Parks Master Plan. Additionally, new developments must still satisfy the parkland dedication requirements that call for land or fees in lieu of land for park.
2. Residents within the areas annexed may utilize all existing park and recreation facilities upon the effective date of this Ordinance. Fees for such usage shall be in accordance with current fees established by ordinance.
3. Additional park and recreation facilities shall be constructed based on Park policies defined in the 2012 Comprehensive Plan as amended, and the Parks Master Plan. The general planned locations and classifications of parks will ultimately serve residents from the current city limits and residents from areas being considered for annexation.

Exhibit C – Service Plan

I. ENVIRONMENTAL HEALTH AND CODE ENFORCEMENT SERVICES:

1. Enforcement of current environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicles ordinances and animal control ordinances, shall begin within this area upon the effective date of this annexation ordinance.
2. Inspection services, including but not limited to, the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical, and electrical work to ensure compliance with City Codes and Ordinances will be provided within upon the effective date of this ordinance.
3. The City shall provide the level of Environmental Health and Code Enforcement Services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.

J. PLANNING AND ZONING:

These areas are zoned in conjunction with the annexation pursuant to the Comprehensive Zoning Ordinance #1270. The Future Lane Use Plan of the 2004 Comprehensive Plan as amended will serve as a guide for consideration of future zoning requests.

K. MISCELLANEOUS:

Any city owned facility, building, or service located within the annexed area shall be operated and maintained by the City upon the effective date of the annexation ordinance.

L. CAPITAL IMPROVEMENTS PROGRAM

If this area is annexed, such areas are immediately eligible for Capital Improvement Program consideration.

- M. Other municipal services for areas not specifically listed in Sections A-K shall be provided to an annexed area no later than two and one-half years after the effective date of the annexation, unless certain services cannot reasonably be provided within two and one-half years. In that case, the City shall propose a schedule for providing certain services, and the schedule shall provide for the provision of full municipal services no later than four and one-half years after the effective date of the annexation.

Exhibit D