

ORDINANCE NO. 2013-03-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 19th day of February, 2013, at 5:45 p.m., and on the 19th day of February, 2013, at 6:00 p.m., which dates were not more than 40 (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 19th day of March, 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 February, 2013, and the 3rd 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 the corporate limits of the City 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. Until otherwise designated by subsequent ordinance, the annexed territory shall be included in City Council District 4.
- 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 19TH DAY OF MARCH, 2013.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

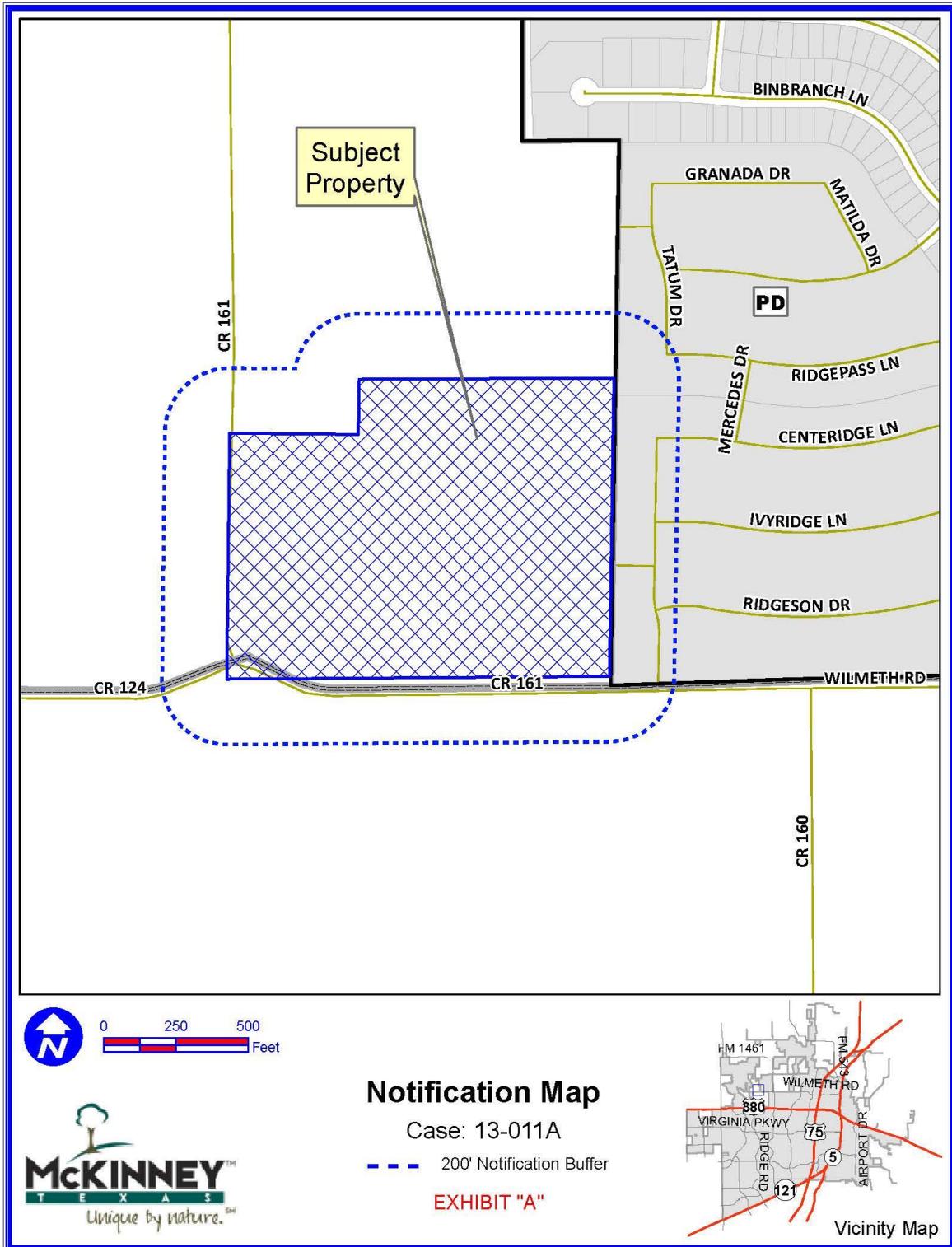
SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

Exhibit A – Location Map



Path: S:\MCKGIS\Notification\Projects\2013\13-011A.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.

Exhibit B – Legal Description

PROPOSED 14.361 ACRES COMMERCIAL ZONING DOCEKAL TRACT

BEING a 14.361 acre tract of land situated in the Andrew Stapp Survey, Abstract No. 833, City of McKinney ETJ, Collin County, Texas, and being part of a 30.04 acre tract of land described in deed to William L. Docekal and Barbara A. Docekal, as recorded in County Clerk File 94-0078460, Deed Records, Collin County, Texas, said 14.361 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of a 0.608 acre tract of land described in deed to Collin County, as recorded in Volume 3902, Page 145 of said Deed Records, said corner being in the west boundary line of said 30.04 acre tract;

THENCE North 00 degrees 39 minutes 32 seconds East, with the west boundary line of said 30.04 acre tract, a distance of 847.46 feet to the southerly northwest corner of said 30.04 acre tract and the southwest corner of Scott Cemetery;

THENCE South 89 degrees 35 minutes 03 seconds East, with the common boundary line of said 30.04 acre tract and said Scott Cemetery, passing an ell corner of said 30.04 acre tract and the southeast corner of said Scott Cemetery at a distance of 445.77 feet and continuing a total distance of 735.00 feet;

THENCE South 00 degrees 27 minutes 24 seconds East, a distance of 836.11 feet to a point for corner in the north boundary line of said 0.608 acre tract;

THENCE South 89 degrees 32 minutes 36 seconds West, with the north boundary line of said 0.608 acre tract a distance of 751.42 feet to the POINT OF BEGINNING AND CONTAINING 625,573 square feet or 14.361 acres of land.

EXHIBIT "B"

Exhibit B – Legal Description

PROPOSED 15.066 ACRES PD ZONING DOCEKAL TRACT

BEING a 15.066 acre tract of land situated in the Andrew Stapp Survey, Abstract No. 833, City of McKinney ETJ, Collin County, Texas, and being part of a 30.04 acre tract of land described in deed to William L. Docekal and Barbara A. Docekal, as recorded in County Clerk File 94-0078460, Deed Records, Collin County, Texas, said 15.066 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of said 30.04 acre tract and the southeast corner of a 55.739 acre tract of land described in deed to Coit/Plano Parkway, Ltd, as recorded in Instrument 20061002001413350 of said Deed Records, said corner being in the west boundary line of Lot 8, Block Q, Robinson Ridge, Phase III, an addition to the City of McKinney, as recorded in Cabinet 2012, Page 242, Plat Records, Collin County, Texas;

THENCE South 00 degrees 54 minutes 31 seconds West, with the common boundary lines of said 30.04 acre tract, said Lot 8 and a 28.190 acre tract of land (Tract 1) described in deed to Gehan Homes, Ltd, as recorded in Instrument 20120302000248700 of said Deed Records, a distance of 1027.62 feet to the northeast corner of a 0.608 acre tract of land described in deed to Collin County, as recorded in Volume 3902, Page 145 of said Deed Records;

THENCE South 89 degrees 32 minutes 36 seconds West, with the north boundary line of said 0.608 acre tract a distance of 572.49 feet;

THENCE North 00 degrees 27 minutes 24 seconds West, a distance of 836.11 feet;

THENCE North 89 degrees 35 minutes 03 seconds West, a distance of 289.23 feet to an ell corner of said 30.04 acre tract and the southeast corner of said Scott Cemetery;

THENCE North 00 degrees 52 minutes 40 seconds East, with the common boundary line of said 30.04 acre tract and said Scott Cemetery, a distance of 189.87 feet to the northerly northwest corner of said 30.04 acre tract and the northeast corner of Scott Cemetery, said corner being in the south boundary line of said 55.739 acre tract;

THENCE North 89 degrees 44 minutes 19 seconds East, with the common boundary line of said 30.04 acre tract and said 55.739 acre tract, a distance of 881.76 feet to the POINT OF BEGINNING AND CONTAINING 656,294 square feet or 15.066 acres of land.

EXHIBIT "B"

Exhibit C – Service Plan



CITY OF MCKINNEY, TEXAS SERVICE PLAN FOR ANNEXED AREA

ANNEXATION ORDINANCE NO. 2013-03-XXX

DATE OF ANNEXATION ORDINANCE: March 19, 2013

ACREAGE ANNEXED: 29.43 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.

