

ORDINANCE NO. 2017-03-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE ANNEXATION BY THE MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY OF 0.901 ACRES OF LAND; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

WHEREAS, McKinney Municipal Utility District No. 1 of Collin County (the "District") is located within the extraterritorial jurisdiction of the City of McKinney, Texas (the "City"); and

WHEREAS, the City consented to the creation of the District by Ordinance No. 2006-12-140 dated December 5, 2006; and

WHEREAS, Texas Water Code, Section 54.016, as amended, provides that no land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included within a municipal utility district unless such city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district.

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

Section 1. All of the matters and facts set forth in the preamble hereof are true and correct.

Section 2. The Petition for Consent to Annex Land into a Municipal Utility District (the "Petition") is attached hereto as Exhibit "A" and made a part hereof for all purposes.

Section 3. The City Council of the City hereby specifically gives its written consent to the annexation of the 0.901 acres described in the Petition and exhibits attached thereto, into the District.

Section 4. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 7TH DAY OF MARCH, 2017.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

Exhibit "A"

PETITION FOR CONSENT TO
ANNEX LAND INTO A MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §
 §
COUNTY OF COLLIN §

TO THE HONORABLE MAYOR AND CITY
COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

The undersigned, MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY, a political subdivision of the State of Texas (the "District") and MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY, a political subdivision of the State of Texas (the "Property Owner"), respectfully petition the City of McKinney, Texas for its consent to the addition of land to the District. In support of this Petition, the District would show the following:

I.

The land sought to be added to the District (the "Tract") is described by metes and bounds in Exhibit "A", attached hereto and made a part hereof for all purposes.

II.

The Tract lies wholly within Collin County, Texas, and not within the boundaries of any incorporated city or town. The Tract lies wholly within the exclusive extraterritorial jurisdiction of the City of McKinney, Texas, as such term is determined pursuant to Chapter 42 V.T.C.A. Local Government Code.

III.

Property Owner is the holder of title to the Tract as shown by the Collin County Tax Rolls and conveyances of record. There are no liens on the Tract.

IV.

The District was organized, created, and established pursuant to Act of June 15, 2007, 80th Leg., R.S., H.B. 3979 (codified at Texas Special Districts Local Laws Code Ann. Chapter 8223) in accordance with Article XVI, Section 59, and Article III, Section 52, of the Constitution of the State of Texas and operates pursuant to Chapters 49 and 54, Texas Water Code, as amended, to provide for:

- (1) the control, storage, preservation, and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power and all other useful purposes;
- (2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation;

- (3) the reclamation and drainage of its overflowed land and other land needing drainage;
- (4) the conservation and development of its forests, water, and hydroelectric power;
- (5) the navigation of its inland and coastal water;
- (6) the control, abatement, and change of any shortage or harmful excess of water;
- (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state;
- (8) the preservation of all natural resources of the state;
- (9) the collection, transportation, processing, disposal, and control of all domestic, industrial, or communal wastes, whether fluids, solids, or composites,
- (10) to gather, conduct, divert, and control local storm water or other local harmful excesses of water;
- (11) the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads, to the extent authorized by Article III, Section 52, of the Texas Constitution; and
- (12) the purchase, construction and operation of fire protection facilities and equipment.

The District is empowered and authorized to purchase, construct, acquire, own, operate, maintain, repair, improve, or extend inside and outside its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of its creation.

V.

The general nature of the work to be done by and within the District at the present time is the (i) construction, maintenance and operation of a waterworks system for residential and commercial purposes; (ii) the construction, maintenance and operation of a sanitary sewer collection system; (iii) the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the District; (iv) the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads, to the extent authorized by Article III, Section 52, of the Texas Constitution; (v) purchase, construction and operation of fire protection facilities and equipment; and (vi) such other construction, installation, maintenance, purchase and operation of such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is organized.

VI.

There is a necessity for the improvements above described because the Tract is located within an area that is experiencing substantial and sustained residential and commercial growth, is urban in nature and is not supplied with adequate water, sanitary sewer, drainage facilities, road facilities, fire protection and services. The health and welfare of the future inhabitants of the Tract require the acquisition and installation of an adequate waterworks, sanitary sewer, storm drainage, fire protection and road system. The purchase, construction, extension, improvement, maintenance and operation of such waterworks, sanitary sewer, storm drainage, road systems, and fire protection will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the inclusion of the Tract within the District.

VII.

Said proposed improvements are practicable and feasible, in that the terrain of the Tract is of such a nature that a waterworks, sanitary sewer, storm drainage, road systems and fire protection can be constructed at a reasonable cost; and said land will be rapidly developed for commercial, multi-family and residential purposes.

VIII.

A preliminary investigation has been instituted to determine the cost of the project attributable to the Tract, and it is now estimated by those filing this Petition, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately \$30,000.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City Council of the City of McKinney, Texas, adopt a resolution giving its written consent to the addition of the Tract to the District.

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RESPECTFULLY SUBMITTED THIS 5th DAY OF FEBRUARY, 2016.

“DISTRICT”

MCKINNEY MUNICIPAL UTILITY
DISTRICT NO. 1 OF COLLIN COUNTY

By: 
Ryan Burkhardt, President

ADDRESS:
c/o Sanford Kuhl Hagan Kugle Parker Kahn LLP
1980 Post Oak Boulevard, Suite 1380
Houston, Texas 77056

ATTEST:


Secretary, Board of Directors



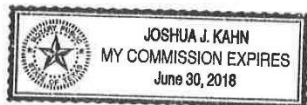
(DISTRICT SEAL)

THE STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the 5th day of February, 2016, by Ryan Burkhardt, as President of the Board of Directors of McKinney Municipal Utility District No. 1 of Collin County, a political subdivision of the State of Texas, on behalf of said political subdivision.


STAMP NAME AND DATE OF
EXPIRATION OF COMMISSION
BELOW:


NOTARY PUBLIC, STATE OF TEXAS



“PROPERTY OWNER”

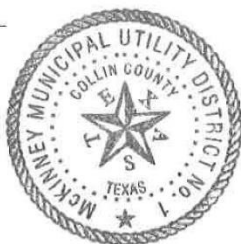
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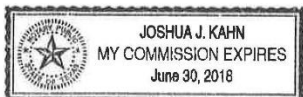
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THE STATE OF TEXAS §
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COUNTY OF COLLIN §

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STAMP NAME AND DATE OF
EXPIRATION OF COMMISSION
BELOW:


NOTARY PUBLIC, STATE OF TEXAS



LEGAL DESCRIPTION

0.801 ACRES

BEING a tract of land situated in the John Emberson Survey, Abstract No. 294, Collin County, Texas and being part of a tract of land described as "Second Tract" in Special Warranty Deed to Heritage Farm Trust, recorded in Instrument No. 98-0084317, Land Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a PK nail set in the north line of a tract of land described as "Tract 5" in Special Warranty Deed to CH-B Trinity Falls, L.P., recorded in Instrument No. 20120229000234690, Land Records of Collin County, Texas and in the west line of a tract of land described as CH-B Trinity Falls, L.P., recorded in Instrument No. 20120229000234600, Land Records of Collin County, Texas at the southeast corner of said Second Tract and generally in County Road No. 206 (a generally recognized public road) and in County Road No. 228 (a generally recognized public road);

THENCE with the north line of said Tract 5 and generally along said County Road No. 228, North 88°16'45" West, a distance of 314.95 feet to a PK nail set for corner, from which, a 3/8" iron rod found bears North 88°10'45" West, a distance of 2570.42 feet;

THENCE departing said north line, the following courses and distances:

North 1°43'16" East, a distance of 65.50 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 90°05'03", a radius of 66.00 feet, a chord bearing and distance of North 46°40'44" East, 93.41 feet; in a northeasterly direction, with said curve to the left, an arc distance of 103.77 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the end of said curve; North 1°28'13" East, a distance of 84.60 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner; North 7°54'51" East, a distance of 23.23 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner; South 88°21'47" East, a distance of 73.96 feet to a PK nail set for corner in said west line, from which a 3/4" iron rod found bears North 1°38'13" East, a distance of 1615.59 feet, said point being in said County Road No. 206;

THENCE with said west line and generally along said County Road No. 206, the following courses and distances:

South 22°24'21" East, a distance of 161.50 feet to a PK nail set for corner; South 47°40'01" East, a distance of 140.42 feet to the POINT OF BEGINNING and containing 39,233 square feet or 0.801 acres of land, of which approximately 0.31 acres is located with said generally recognized public roads.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

0.901 ACRE TRACT
JOHN EMBERSON SURVEY
ABSTRACT NO. 294
COLLIN COUNTY, TEXAS

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH 972-770-1300
dana.brown@kimley-horn.com



Kimley-Horn and Associates, Inc. logo and contact information including address, phone, and website.

