

ABERNATHY
ROEDER &
BOYD
HULLETT • P.C.

1700 Redbud Boulevard, Suite 300 • P.O. Box 1210 • McKinney, Texas 75070-1210
Metro 214.544.4000 • Fax 214.544.4044

ATTORNEYS AT LAW

ROBERT H. ROEDER
Qualified Mediator

rroeder@abernathy-law.com
Direct Dial 214.544.4003

October 22, 2015

City of McKinney
Planning Department
P.O. Box 517
McKinney, Texas 75069

Re: Amended Letter of Intent (“Amended Letter of Intent”) supporting request for a zoning change for 64.21 acres of land located on the east frontage of Lake Forest Drive, south of McKinney Ranch Parkway, City of McKinney, Collin County, Texas (the “Property”)

Dear Planners:

This Amended Letter of Intent accompanies the application for a zoning change submitted by me on behalf of Blackmon Ranch, Ltd., a Texas limited partnership, the owner of the Property on October 12, 2015, and is submitted for the purpose of modifying the requested zoning set forth in the original Letter of Intent dated October 12, 2015.

The Property covered by the original and this Amended Letter of Intent is part of a larger 115 acre tract (the “Master Tract”) that was zoned under Ordinance No. 2000-09-066 adopted by the City Council on September 5, 2000. Subsequent to such zoning, the City modified its future land use plan in a manner that identified residential as an appropriate use for the Property. Under the existing zoning that portion of the Master Tract which lies north of and adjacent to the Property can be used for commercial purposes.

The original Letter of Intent requested that the Property be zoned in its entirety SF-5, low density single family. This Amended Letter of Intent seeks to modify that request by identifying two (2) parcels located within the Property for TH - townhouse zoning in conformance with the provisions of Section 146-108 of the City’s Code of Ordinances. Zoning for the balance of the Property is still requested to be zoned SF-5. The two (2) TH tracts are shown on the Revised Zoning Exhibit attached hereto as Exhibit A (the “Zoning Exhibit”) as Tract 1, consisting of approximately 5.79 acres, and Tract 4, consisting of

approximately 6.41 acres. This requested change relating to the two townhome tracts is the result of my client's analysis of the potentially adverse impacts that might inhibit the development of low density single family uses that include the adjacency of the western boundary of the Property to a major thoroughfare, Lake Forest Drive, the operation of the WalMart-anchored retail center across Lake Forest Drive, and, in the case of Tract 4, the potential adjacency to commercial uses on the northern portion of the Master Tract. SF-5 has been retained for the vast majority of the Property (approximately 52 acres) and encompasses those areas that contain flood plain and flood way property.

The applicant has provided legal descriptions for each proposed TH tract, which are attached hereto as Exhibit B. A legal description for the area proposed for SF-5 is attached hereto as Exhibit C. The applicant desires that the zoning be pursued as a straight zoning case.

There are no other special considerations requested or required.

The applicant requests an appearance before the Planning and Zoning Commission and the City Council at the earliest possible dates.

In the event that any other information is required for this Letter of Intent, please refer to the application previously filed.

Yours truly,



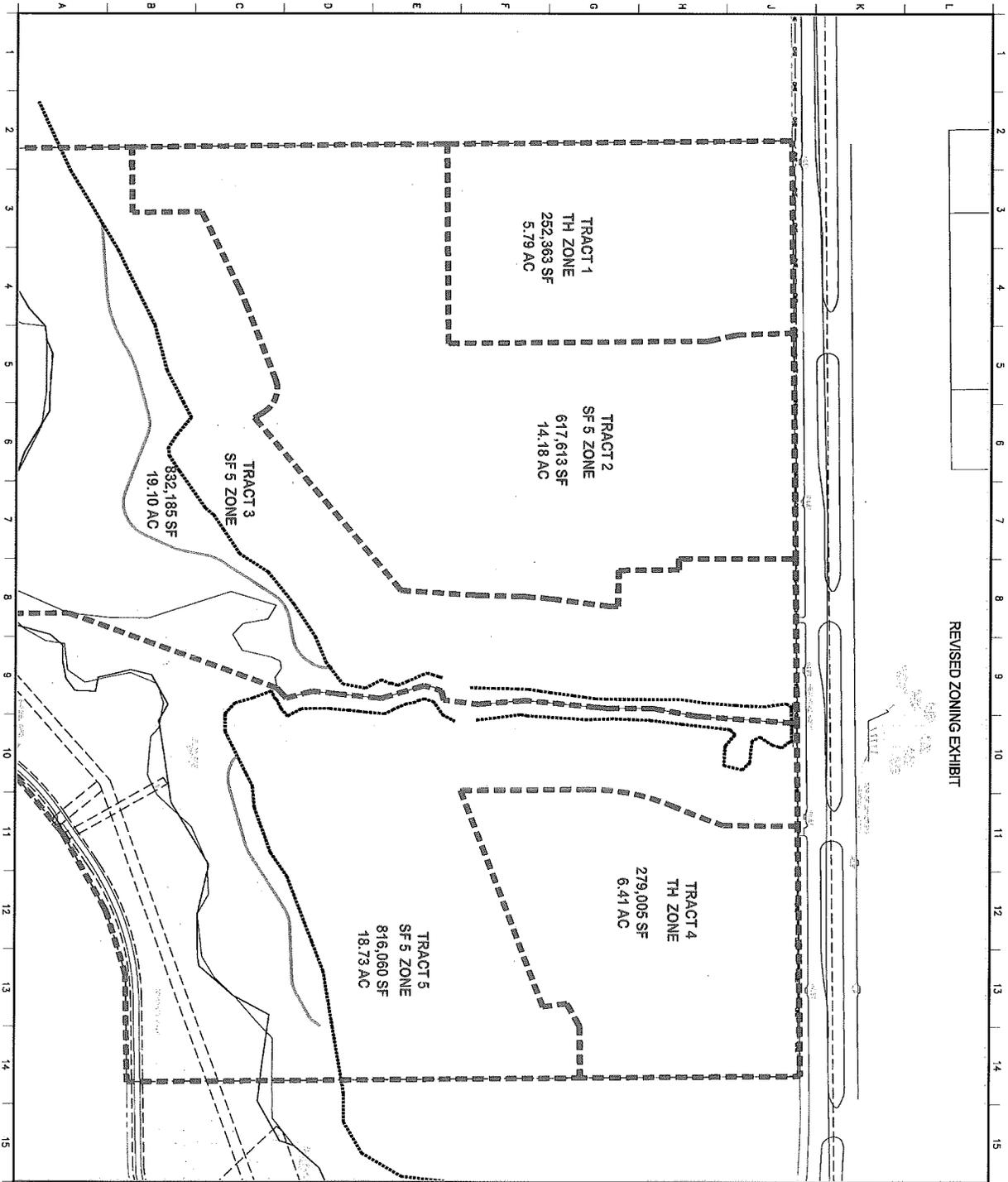
Robert H. Roeder

678569v2

cc: Shane Jordan

EXHIBIT A

REVISED ZONING EXHIBIT



NOTE: THIS IS A LAND STUDY AND IS SUBJECT TO FURTHER REFINEMENT INCLUDING COLLECTION OF FIELD INFORMATION ON EASEMENTS, TREE COVER, UTILITIES, TOPO, AND VARIATION OF CODE COMPLIANCE - REFINEMENT THAT VARY UPON REFINEMENT.

CITY OF MONTEREY OFFICE OF PLANNING & DEVELOPMENT 20000 MONTEREY BLVD., SUITE 100 MONTEREY, CA 93940 TEL: (831) 372-2000		ION DESIGN GROUP 2775 SAN FELIX BLVD. SUITE 100 SAN JOSE, CA 95128 TEL: (415) 253-1000	
PROJECT: TRACT LAYOUT-LAKE FOREST			
CLIENT: CITY OF MONTEREY			
LOCATION: COALIN COUNTY			
SCALE: 1" = 80'			
DATE:			
DRAWN BY:			
CHECKED BY:			
DATE:			
SCALE:			
DATE:			
PROJECT NO:			
SHEET NO:			
TOTAL SHEETS:			

EXHIBIT B

TRACT 1

252,363 SQ. FT. / 5.7935 ACRES

BEING a 5.7935 acre tract of land situated in the Esom Harris Survey, Abstract No. 400, in the City of McKinney, Collin County, Texas, being a portion of a called 119 acre tract of land described in a deed to Blackmon Ranch, LTD, recorded in Volume 4071, Page 698, Deed Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8 inch iron rod found in the south line of said called 119 acre tract, being the southeast corner of a called 4.672 acre tract of land described in a deed as right-of-way dedication to the City of McKinney, recorded in Volume 4355, Page 2038, Deed Records, Collin County, Texas, same being the northwest corner of a called 43.787 acre tract of land described in a deed to Eldorado Gold J.V., recorded in Volume 4680, Page 4385, Deed Records, Collin County, Texas, said point also being in the east right-of-way line of Lake Forest Drive (a variable width right-of-way);

THENCE N 00 deg. 33 min. 56 sec. W, along the east line of said called 4.672 acre tract, and the east right-of-way line of said Lake Forest Drive, a distance of 429.91 feet to a 1/2 inch iron rod set for the POINT OF BEGINNING;

THENCE N 00 deg. 33 min. 56 sec. W, along the east line of said called 4.672 acre tract, and the east right-of-way line of said Lake Forest Drive, a distance of 393.56 feet to a point for corner;

THENCE N 87 deg. 48 min. 56 sec. E, a distance of 100.29 feet to a point for corner;

THENCE N 76 deg. 11 min. 52 sec. W, a distance of 54.31 feet to a point for corner;

THENCE N 89 deg. 19 min. 24 sec. E, a distance of 468.93 feet to a point for corner;

THENCE S 00 deg. 30 min. 05 sec. E, a distance of 408.60 feet to a point for corner;

THENCE S 89 deg. 19 min. 47 sec. W, a distance of 621.60 feet to the POINT OF BEGINNING and containing 252,363 sq. ft. or 5.7935 acres of land.

EXHIBIT B, Continued

TRACT 4:

279,003 SQ. FT. / 6.4050 ACRES

BEING a 6.4050 acre tract of land situated in the Esom Harris Survey, Abstract No. 400, in the City of McKinney, Collin County, Texas, being all of a portion of a called 119 acre tract of land described in a deed to Blackmon Ranch, LTD, recorded in Volume 4071, Page 698, Deed Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod found in the south line of said called 119 acre tract, being the southeast corner of a called 4.672 acre tract of land described in a deed as right-of-way dedication to the City of McKinney, recorded in Volume 4355, Page 2038, Deed Records, Collin County, Texas, same being the northwest corner of a called 43.787 acre tract of land described in a deed to Eldorado Gold J.V., recorded in Volume 4680, Page 4385, Deed Records, Collin County, Texas, said point also being in the east right-of-way line of Lake Forest Drive (a variable width right-of-way);

THENCE N 00 deg. 33 min. 56 sec. W, along the east line of said called 4.672 acre tract, and the east right-of-way line of said Lake Forest Drive, a distance of 1241.65 feet to a 1/2 inch iron rod set for corner;

THENCE N 00 deg. 37 min. 36 sec. W, along the east line of said called 4.672 acre tract, and the east right-of-way line of said Lake Forest Drive, a distance of 594.85 feet to a point for corner and being the POINT OF BEGINNING;

THENCE N 00 deg. 37 min. 36 sec. W, along the east line of said called 4.672 acre tract, and the east right-of-way line of said Lake Forest Drive, a distance of 514.02 feet to a 1/2 inch iron rod set for corner;

THENCE N 89 deg. 22 min. 24 sec. E, a distance of 395.38 feet to a point for corner;

THENCE S 00 deg. 37 min. 36 sec. E, a distance of 106.52 feet to a point for corner;

THENCE S 26 deg. 05 min. 18 sec. E, a distance of 52.49 feet to a point for corner;

THENCE N 81 deg. 07 min. 14 sec. E, a distance of 43.96 feet to a point for corner;

THENCE S 18 deg. 45 min. 18 sec. E, a distance of 467.74 feet to a point for corner;

THENCE S 89 deg. 22 min. 24 sec. W, a distance of 229.92 feet to a point for corner and being the beginning of a curve to the right, having a central angle of 25 deg. 58 min. 59 sec., a radius of 350.00 feet and a chord which bears N 77 deg. 38 min. 06 sec. W, a distance of 157.37 feet;

Exhibit B, Continued

THENCE northwesterly, along the said curve, an arc distance of 158.72 feet to a point for corner and being a point of reverse curve, having a central angle of 04 deg. 11 min. 47 sec., a radius of 1345.63 feet and a chord which bears N 66 deg. 44 min. 30 sec. W, a distance of 98.53 feet;

THENCE northwesterly, along the said curve. An arc distance of 98.55 feet to a point for corner and being the end of said curve;

THENCE N 89 deg. 25 min. 48 sec. W, a distance of 133.65 feet to the POINT OF BEGINNING and containing 279,003 square feet or 6.4050 acres of land.

EXHIBIT C

LEGAL DESCRIPTION 2,796,986 SQ. FT. / 64.2100 ACRES

BEING a 15.3734 acre tract of land situated in the Esom Harris Survey, Abstract No. 400, in the City of McKinney, Collin County, Texas, being all of a portion of a called 119 acre tract of land described in a deed to Blackmon Ranch, LTD, recorded in Volume 4071, Page 698, Deed Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod found in the south line of said called 119 acre tract, being the southeast corner of a called 4.672 acre tract of land described in a deed as right-of-way dedication to the City of McKinney, recorded in Volume 4355, Page 2038, Deed Records, Collin County, Texas, same being the northwest corner of a called 43.787 acre tract of land described in a deed to Eldorado Gold J.V., recorded in Volume 4680, Page 4385, Deed Records, Collin County, Texas, said point also being in the east right-of-way line of Lake Forest Drive (a variable width right-of-way);

THENCE N 00°33'56" W, crossing said called 119 acre tract, and along the east line of said called 4.672 acre tract, and the east right-of-way line of said Lake Forest Drive, a distance of 429.91 feet to a 1/2 inch iron rod set for the POINT OF BEGINNING;

THENCE N 00°33'56" W, crossing said called 119 acre tract, and along the east line of said called 4.672 acre tract, and the east right-of-way line of said Lake Forest Drive, a distance of 811.75 feet to a 1/2 inch iron rod set for corner;

THENCE N 00°37'36" W, crossing said called 119 acre tract, and along the east line of said called 4.672 acre tract, and the east right-of-way line of said Lake Forest Drive, a distance of 1108.86 feet to a 1/2 inch iron rod set for corner;

THENCE N 89°22'24" E, crossing said called 119 acre tract, a distance of 1214.78 feet to a 1/2 inch iron rod set for corner, said point being in the west line of Windsor Park Addition, an addition in the City of McKinney, recorded in Volume 2103, Page 416, Plat Records, Collin County, Texas;

THENCE crossing said called 119 acre tract and the west line of said Windsor Park Addition, the following calls:

S 00°50'09" E, a distance of 222.62 feet to a 5/8 inch iron rod found for corner;

S 15°22'57" E, a distance of 133.72 feet to a 5/8 inch iron rod found for corner;

S 26°11'48" E, a distance of 179.28 feet to a 5/8 inch iron rod found for corner;

S 36°19'16" E, a distance of 140.04 feet to a 5/8 inch iron rod found for corner;

S 53°55'34" E, a distance of 182.51 feet to a 5/8 inch iron rod found for corner, said point being in the common line of said called 119 acre tract, and Avalon, Phase 2, an addition in the City of McKinney, recorded in County Clerk's File Number 2006-644, Plat Records, Collin County, Texas;

THENCE S 00°40'44" E, along the common line of said called 119 acre tract, and said Avalon, Phase 2, passing the common corner of said Avalon, Phase 2, and Avalon, Phase 3, an addition in the City of McKinney, according to the plat thereof recorded in Cabinet P, Page 544, Map Records, Collin County, Texas, and continuing a total distance of 1035.61 feet to a 1/2 inch iron rod set for corner;

THENCE S 00°43'00" E, along the common line of said called 119 acre tract, and said Avalon, Phase 3, a distance of 147.35 feet to a 1/2 inch iron rod set for corner;

THENCE S 89°19'47" W, crossing said called 119 acre tract, a distance of 1557.11 feet to the POINT OF BEGINNING and containing 2,796,986 square feet or 64.2100 acres of land more or less.

LESS AND EXCEPT:

TRACT 1
252,363 SQ. FT. / 5.7935 ACRES

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THENCE N 00 deg. 33 min. 56 sec. W, along the east line of said called 4.672 acre tract, and the east right-of-way line of said Lake Forest Drive, a distance of 429.91 feet to a 1/2 inch iron rod set for the POINT OF BEGINNING;

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THENCE N 87 deg. 48 min. 56 sec. E, a distance of 100.29 feet to a point for corner;

THENCE N 76 deg. 11 min. 52 sec. W, a distance of 54.31 feet to a point for corner;

THENCE N 89 deg. 19 min. 24 sec. E, a distance of 468.93 feet to a point for corner;

THENCE S 00 deg. 30 min. 05 sec. E, a distance of 408.60 feet to a point for corner;

THENCE S 89 deg. 19 min. 47 sec. W, a distance of 621.60 feet to the POINT OF BEGINNING and containing 252,363 sq. ft. or 5.7935 acres of land.

FURTHER LESS AND EXCEPT:

TRACT 4:
279,003 SQ. FT. / 6.4050 ACRES

BEING a 6.4050 acre tract of land situated in the Esom Harris Survey, Abstract No. 400, in the City of McKinney, Collin County, Texas, being all of a portion of a called 119 acre tract of land described in a deed to Blackmon Ranch, LTD, recorded in Volume 4071, Page 698, Deed Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

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THENCE northwesterly, along the said curve, an arc distance of 158.72 feet to a point for corner and being a point of reverse curve, having a central angle of 04 deg. 11 min. 47 sec., a radius of 1345.63 feet and a chord which bears N 66 deg. 44 min. 30 sec. W, a distance of 98.53 feet;

THENCE northwesterly, along the said curve. An arc distance of 98.55 feet to a point for corner and being the end of said curve;

THENCE N 89 deg. 25 min. 48 sec. W, a distance of 133.65 feet to the POINT OF BEGINNING and containing 279,003 square feet or 6.4050 acres of land.