State of Texas §
State of Texas §
County of Collin §

<u>Interlocal Agreement Modifying Line Dividing Jurisdictional Authority</u>

This interlocal cooperation agreement ("Agreement") is by and between the City of McKinney, Texas, a Texas home-rule municipality ("McKinney"), and the Town of Fairview, Texas, a Texas home-rule municipality ("Fairview") (sometimes collectively the "Parties" and singularly a "Party").

WHEREAS, the Interlocal Cooperation Act ("Act"), Chapter 791 of the Texas Government Code, authorizes units of local government to contract with one or more other local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, Section 42.023 of the Texas Local Government Code authorizes a municipality to reduce its extraterritorial jurisdiction by resolution or ordinance adopted by the governing body of the municipality; and

WHEREAS, by judgment of the 296th Judicial District Court of Collin County, made final on December 4, 2008, a line was established dividing the territory subject to the jurisdictional authority of McKinney and the territory subject to the jurisdictional authority of Fairview ("2008 Line"); and

WHEREAS, the territory subject to the jurisdictional authority of McKinney under the 2008 Line includes property described and depicted in Exhibit A hereto ("Property"); and

WHEREAS, McKinney and Fairview desire to modify the 2008 Line to remove the Property from the jurisdictional authority of McKinney and include it within the jurisdictional authority of Fairview; and

WHEREAS, McKinney and Fairview find that it is in the public interest to enter into this Agreement.

NOW, THEREFORE, upon and for the mutual consideration stated herein and other good and valuable consideration, the receipt and sufficiency of which is hereby

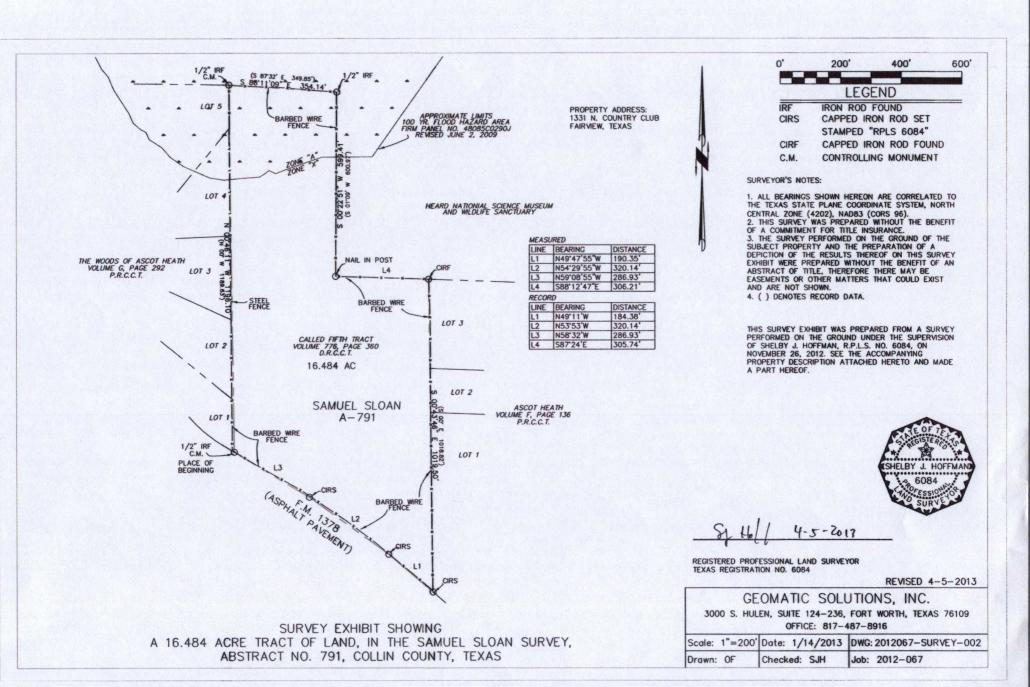
acknowledged, the Parties agree as follows:

- 1. By resolution duly passed and adopted by the City Council of McKinney and resolution duly passed and adopted by the Town Council of Fairview, the designated representative of each Party is authorized to execute this Agreement.
- 2. The 2008 Line is hereby modified to remove the Property from the jurisdictional authority of McKinney and include it within the jurisdictional authority of Fairview. A description and drawing of the line dividing the jurisdictional authority of McKinney and Fairview as modified by this Agreement is attached hereto as Exhibit B.
 - 3. Except as modified by this Agreement, the 2008 Line is unchanged.
- 4. McKinney hereby forever and fully releases any rights it may have had to provide any municipal services to the Property. Fairview hereby accepts responsibility for providing all municipal services to the Property required by law regardless of whether the Property is in Fairview's city limits or extraterritorial jurisdiction.
- 5. This Agreement may not be modified or rescinded by either party except by the mutual actions of McKinney and Fairview on such modification or rescission.
- 6. This Agreement shall be null and void if not approved and executed by McKinney and Fairview on or before November 7, 2014.

City of McKinney, Texas

Ву:	
Tom Muehlenbeck	
Interim City Manager	
Pursuant to Resolution No	
Executed this day of	, 2014
Attest:	
Sandy Hart, TRMC, MMC	
City Secretary	

Exhibit A Description and Drawing of Property



PROPERTY DESCRIPTION

BEING A 16.484 ACRE TRACT OF LAND IN THE SAMUEL SLOAN SURVEY, ABSTRACT NO. 791, COLLIN COUNTY TEXAS, CALLED FIFTH TRACT, AS DESCRIBED IN A DEED, RECORDED IN VOLUME 776, PAGE 360, DEED RECORDS, COLLIN COUNTY, TEXAS (D.R.C.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, AT A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF THE WOODS OF ASCOT HEATH, AS RECORDED IN VOLUME G, PAGE 292, PLAT RECORDS, COLLIN COUNTY, TEXAS, P.R.C.C.T., SAME BEING THE SOUTHWEST CORNER OF SAID FIFTH TRACT, IN THE NORTH LINE OF F.M. 1378, A VARIABLE WIDTH RIGHT-OF-WAY (R.O.W.);

THENCE, WITH THE COMMON LINE BETWEEN SAID FIFTH TRACT AND THE EAST BOUNDARY LINE OF SAID THE WOODS OF ASCOT HEATH, N 00°46'11" W, A DISTANCE OF 1196.10 FEET, TO A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID FIFTH TRACT, SAME BEING THE NORTHEAST CORNER OF SAID THE WOODS OF ASCOT HEATH, IN THE SOUTH LINE OF A TRACT OF LAND CONVEYED TO THE HEARD NATIONAL SCIENCE MUSEUM AND WILDLIFE SANCTUARY;

THENCE, WITH THE COMMON LINE BETWEEN SAID FIFTH TRACT, AND SAID HEARD TRACT, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

- 1. S 86°11'09" E, A DISTANCE OF 354.14 FEET, TO A 1/2" IRON ROD FOUND;
- 2. S 00°22'51" W, A DISTANCE OF 599.41 FEET TO A NAIL FOUND IN A WOOD POST, AT AN INTERIOR ELL CORNER OF SAID FIFTH TRACT;
- S 88°12'47" E, A DISTANCE OF 306.21 FEET, TO A CAPPED IRON ROD FOUND AT THE NORTHWEST CORNER OF ASCOT HEATH, AS RECORDED IN VOLUME F, PAGE 136, P.R.C.C.T.;

THENCE, WITH THE COMMON LINE BETWEEN SAID FIFTH TRACT, AND SAID ASCOT HEATH TRACT, S 00°43'46" E, A DISTANCE OF 1019.50 FEET, TO A CAPPED IRON ROD SET, STAMPED "RPLS 6084", FOR THE SOUTHEAST CORNER OF SAID FIFTH TRACT, SAME BEING IN THE NORTH LINE OF SAID F.M. 1378;

THENCE, WITH THE COMMON LINE BETWEEN SAID FIFTH TRACT, AND THE NORTH LINE OF SAID F.M. 1378, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

- N 49°47'55" W, A DISTANCE OF 190.35 FEET, TO TO A CAPPED IRON ROD SET, STAMPED "RPLS 6084";
- 2. N 54°29'55" W, A DISTANCE OF 320.14 FEET TO A CAPPED IRON ROD SET, STAMPED "RPLS 6084":
- 3. N 59°08'55" W, A DISTANCE OF 286.93 FEET, TO THE **PLACE OF BEGINNING** AND CONTAINING 16.484 ACRES OF LAND AS SURVEYED ON THE GROUND UNDER THE SUPERVISION OF SHELBY J. HOFFMAN, R.P.L.S. NO. 6084, ON NOVEMBER 26, 2012. ALL BEARINGS RECITED HEREIN ARE CORRELATED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202), NAD 83 (CORS 96). SEE THE ACCOMPANYING EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

SHELBY J. HOFFMAN

6084

Page
SURVE

9-5-2013

Page 1 of 1

2012-067 PROPERTY DESCRIPTION-001

Exhibit B Description and Drawing of Modified Line Dividing Jurisdictional Authority

Shine & Associates, Inc. Land boundary surveyors NEDRA J. FOSTER. RPLS. LSLS

McKinney/Fairview

Common City Limit Line

Being a bounds description of the common city limit line between the City of McKinney, Texas, and the Town of Fairview, Collin County, Texas. All records cited are out of the Official Public Records of Collin County, Texas. This description should not be considered complete without the accompanying plat. Boundary is situated in the following surveys: William Hemphill, A-449, Joseph Dixon, A-275, Samuel Sloan, A-791, Joab Butler, A-68, Martin Hart, A-447, Francis Duffau, A-287, and George B. Pilant, A-691, and Calvin Boles, A-28, Collin County, Texas, and is more particularly described as follows:

BEGINNING in the east right-of-way of U. S. Highway 75 at the point where a projection westerly of the centerline of the old location of Frisco Road intersects said Highway 75.

THENCE easterly with the centerline of the old location of Frisco Road (Old Highway No. 24) crossing North Central Expressway between (north side) an 8.333 acre tract described in V4215/P1982 and (south side) a 3.959 acre tract described in V4954/P5648.

THENCE continuing with the centerline of old Frisco Road easterly entering a 1.063 acre abandoned right of way for Frisco Road as described in 20100722000750400 on the south line of a 17.709 acre tract described as Tract 3 in Volume 5626/Page 4129, and the north line of a 219.103 acre tract described as Tract 7 in V5058/P5734...

THENCE continuing easterly on the centerline of said Frisco Road between (north side) a 41.987 acre tract described as Tract 1 in said V5626/P4129 and (south side) the said 219.103 acre tract, a 0.8035 acre tract described in V228/P631, a 3.279 acre tract described in V3358/P685, and a 2.052 acre tract described in V5676/P1459.

THENCE continuing easterly on the centerline of said Frisco Road, passing the centerline of the 80 foot wide Medical Center Drive, between (north side) a 3.667 acre tract described in 20090804000979440, a 1.02 acre tract being the residue of a 4.697 ac. tract described in 20060314000337350, a 0.910 acre tract described as Tract 2 in V5626/P4129, a 48.159 acre tract described in 20060314000337340 and (south side) a 1.535 acre tract described as Tract 2 in V5518/P4630 and a 9.56 acre tract also described in V5518/P4630 as Tract 1 to the intersection with the west right-of-way of State Highway 5 (Greenville Road).

THENCE continuing easterly to the centerline of State Highway 5 (Greenville Road).

THENCE northerly with the centerline of said State Highway 5 between (west side) the said 48.159 acre tract and (east side) a 0.895 acre tract described in V4377/P1871, a 1.846 acre tract described in 20061229001828720, a 5.009 acre tract described in V6077/P2363, a 0.839 acre tract described in 20080424000496790, a 0.846 acre tract described in V5153/P3146, and a 1.5 acre tract described in V67/P419.

THENCE easterly with the north line of said 1.5 acre tract, also being the south line of a 2.00 acre tract described in V4326/P2867.

THENCE continuing easterly with the north line of the said 5.009 acre tract described in V6077/P2363 and with the most northerly south line of a 9.803 acre tract described in V5165/P94 to the northeast corner of the said 5.009 acre tract and an ell corner of the said 9.803 acre tract. This point is also called to be 600 feet East of the East right-of-way of (old) Highway 75 as called for in Ordinance 478 of McKinney.

THENCE southerly with the common east line of the said 5.009 acre tract and the west line of the said 9.803 acre to the southeast corner of the said 5.009 acre tract, also being the southerly southwest corner of the 9.803 acre tract, and being in the north line of a 21.356 acre tract described in V6044/P1340.

THENCE southwesterly across the said 21.356 acre tract, 600 feet parallel to the East right-of-way of (old) Highway 75 to a point in the west line of the said 21.356 acre tract, also being the east line of a 2.718 acre tract described in 96-0092898.

THENCE across said 2.718 acre tract to a point in the north line of FM 1378, which point is 600 feet East of the East right-of-way of (old) Highway 75.

THENCE extending to the centerline of said FM 1378.

THENCE easterly with the centerline of said FM 1378 (Country Club Road) between (north side) the said 2.718 acre tract and the said 21.356 (save and except 5.237) acre tract and (south side) a 14.75 acre tract described in V341/P116 to the west right-of-way line of a Dallas Area Rapid Transit 100 foot right-of-way described in V5443/P5532.

THENCE crossing the said DART tract and continuing easterly with the centerline of said FM 1378 (Country Club Road) between (north side) a 27.087 acre tract described in V1180/P411, save and except a 1 acre tract described in 20101109001225390, the said 1 acre tract described 20101109001225390, a 61.008 acre tract described in 20070522000691370, a

3.789 acre tract described in V6069/P2247, a 1.356 acre tract described in V4113/P3819 and (south side) a 2.62 acre tract described in 20100325000282140, 0.785 acre tract (Stoddard Road) described in 20080411000434440, a 23.713 acre tract described in V4443/P957, a 6.933 acre tract described in V4834/P2681, an 8.2373 acre tract being the remainder of the parent 107.5 acre tract described in V447/P113, a 45.497 acre tract (Fairview Meadows) described in V4929/P3935, a 16.457 acre tract described in V4438/P959 to the southeast corner of said 1.356 acre tract and the southwest corner of 14.972 acre tract (The Woods of Ascot Heath) described in VG/P292 of the Plat Records of Collin County and also as amended in VK/P445.

THENCE northerly and westerly (departing FM 1378 (Country Club Road) with the east line of the said 1.356 acre tract described in V4113/P3819, also being the west line of the said 14.972 acre tract (The Woods of Ascot Heath) to the northwest corner of said 1.356 acre tract, the northerly southwest corner of the said 14.972 acre tract, and being in the east line of a 3.789 acre tract described in Volume 6069/P2247.

THENCE northerly with the common line of the said 14.972 acre tract and the said 3.789 acre tract to the south line of the Bessie Heard Foundation tracts.

THENCE easterly with the common line of the said (north side) Bessie Heard Foundation Tracts and (south side) the said 14.972 acre tract to the northeast corner of the said 14.972 acre tract, also being the northwest corner of a 16.484 acre tract described in #20130416000506460.

THENCE easterly with the common line of the said (north side) Bessie Heard Foundation Tracts and (south side) the said 16.484 acre tract to the most northerly northeast corner of the said 16.484 acre tract to an ell corner of the said Bessie Heard Foundation Tracts and the said 16.484 acre tract.

THENCE southerly with the northerly east line of the said 16.484 acre tract and a west line of the said Bessie Heard Foundation Tracts to an ell corner of the said 16.484 acre tract and the Bessie Heard Foundation Tracts.

THENCE easterly with a (north side) south line of the said Bessie Heard Foundation Tracts and a north line of the said 16.484 acre tract. to the most southerly northeast corner of the said 16.484 acre tract, also being the northwest corner of a 20.310 acre acre tract (Ascot Heath) described in Volume F/P136 of the Plat Records.

THENCE easterly with the north line of the said 20.310 acre tract and the south lines of the said Bessie Heard Foundation Tracts and a 6.528 acre tract described in V3201/P297 to the northeast corner of the said 20.310 acre tract, also being the southeast corner of the said 6.528 acre tract and being in the west line of a 33.649 acre tract described in V821/P3.

THENCE northerly with the west line of the said 33.649 acre tract and the east line of the said 6.528 acre tract to the northwest corner of the said 33.649 acre tract in the south line of the said Bessie Heard Foundation Tracts.

THENCE easterly with the common line of the (north side) said Bessie Heard Foundation Tracts, a 13.00 acre tract described in 96-100297, Heard Natural Science Museum & Wildlife

Sanctuary, an 11.80 ac tract being reidue of an18.488 acre tract described in V959/P739 and (south side) the said 33.649 acre tract and a 17.714 acre tract described in V6011/P1651.

THENCE easterly with the common line of (north side) an 18.75 acre tract described in 96-0107607 and (south side) the north line of a 14.324 acre tract described in 20100426000405920 to the northeast corner of said 14.324 acre tract in the centerline of Wilson Creek, also being the northwest corner of a Town of Fairview 82.3009 acre tract described in V5169/P1192.

THENCE southeasterly with the centerline of Wilson Creek, being the common line between the said 82.3009 acre tract and the said 14.324 acre tract, a 65 acre tract and a 25 acre tract conveyed to TFF. Inc. (a Nevada Corporation) described in V4231/P2527 (south side), John W. Powell 5 and 59 acre tracts described in V3399/P850 (north side), and 5.00 and 0.95 acre tracts described in 20070525000707980 it being residue of a U. S. Home Corporation 133.41 acre tract described in V4489/P2724 (west side) and a Robert, Cheryl and Richard Lange 18.869 acre tract described in V2952/P931, and a 13.078 described in 20070525000707980 it being residue of a U. S. Home Corporation 133.41 acre tract (east side) to the southwest corner of said 18.869 acre tract in the centerline of Wilson Creek.

THENCE easterly with the south line of the said 18.869 acre tract to the most southerly southeast corner of said tract, being also the southwest corner of a Darla Ingle and Michael Fowler 1.511 acre tract described in V5872/P3874 and the northeast corner of an R & D Aycock, Ltd one (1) acre tract described in V5071/P3433.

THENCE with the westerly and southerly lines of said one (1) acre tract to the southeast corner of said tract in the centerline of CR 317, also being the northwest corner of a 133.41 acre tract described in V4489/P2724, and also being in the west line of a five (5) acre tract conveyed to Terry and Joyce Wood described in V5207/P4405.

THENCE southerly with the centerline of CR 317 (Orr Road) between (west side) the east line of the said 13.078 described in 20070525000707980 it being residue of a U. S. Home Corporation 133.41 acre tract and (east side) the west line of said 5 acre tract described in V5207/P4405 and the west line of a 10.883 acre tract described in 94-0060703 to the southwest corner of said 10.883 acre tract.

THENCE easterly with the centerline of CR 317 (Orr Road) between (north side) the south line of the said 10.883 acre tract, the south line of a 10 acre tract described in 94-0060703, and the south line of a 26.5 acre tract described in V1234/P398 and (south side) the north line of a 16 acre tract described in V438/P55, the most westerly north line of a 10 acre tract described in V4412/P2003, the north line of a 1 acre tract described in 20081126001370350, the most easterly north line of said 10 acres described in V4412/P2003, the north line of a 1.974 acre tract described in V5700/P1845, the north line of a 10.609 acre tract described in 20091006001241640 to the northeast corner said 10.609 acre tract.

THENCE southerly with the centerline of CR 317 (Orr Road) between (east side) the southerly line of said 26.5 acre tract described in V1234/P398, and the westerly line of a 55.623 acre tract described in 20080409000426590, pass the intersection of CR 325 with said CR317

(Orr Road), the west line of a 2.5 acre tract described in 96-0091013 as Tract One, the west line of a 3 acre tract described in V3713/P72, the west line of a 1 acre tract described in V3095/P7530, the west line of a 0.2893 acre tract described in 20071008002383570, the west line of a 10 acre tract described in 20060727001059620, and the west line of a 30.0710 acre tract described in 20060728001070360 to the centerline of Wilson Creek; and (west side) the northeasterly line of a 3.013 acre tract as described in V6084/P3436, the easterly line of a 10.725 acre tract described in V5823/P5528, the east line of a 10.729 acre tract described in V4740/P2219, the east line of a 3.962 acre tract described in 20070327000407990, and the east line of a 21.232 acre tract described in V5493/P721 as Tract One to the centerline of Wilson Creek.

THENCE continuing southerly with the centerline of CR 317 (Orr Road) between (west side) the southeast line of a 14.5157 acre tract described in V149/P485, the most northerly east line of an 11.9863 acre tract as described in V149/P485, the northeast line of a 2 acre tract described in V5029/P1649, the most southerly east line of the said 11.9863 acre tract, the east line of a 10 acre tract as described in V4107/P0135, passing the intersection of CR 266 with CR 317, and the east line of a 20.0056 acre tract as described in 95-0002530 and (east side) the west line of a 26.711 acre tract described in 95-0072506, the southwest line of a 12.6188 acre tract described in V2563/P651, the southwest line of an 11 acre tract described in V3894/P280, the southwest line of a 10.142 acre tract described in 96-0103967 to the southwest corner of same, also being the northwest corner of a 4.54296 acre tract described in V4702/P1822.

THENCE easterly, leaving said CR 317, along the south line of said 10.142 acre tract described in 96-0103967 and the north line of said 4.54296 acre tract to the southeast corner of said 10.142 acre tract and northeast corner of said 4.54296 acre tract in the west line of a 52.70 acre tract described in V766/P785.

THENCE northerly between (west side) the east line of said 10.142 acre tract described in 96-0103967, the east line of the said 11 acre tract described in V3894/P280, and the east line of the said 12.6188 acre tract described in V2563/P651 and (east side) the west line of said 52.70 acre tract described in V766/P785 to the centerline of Wilson Creek.

THENCE southerly with the centerline meanders of Wilson Creek, being the common line of (southerly side) said 52.70 acre tract described in V766/P785, an 85.55 acre tract as described in V614/P211 a 75.60 acre tract as described in V765/P187, the east line of a 27.9 acre tract described in V460/P31, the east line of a 13 acre tract described in V435/P457, and the line of Government tract 4320 following the right bank (centerline) of Wilson Creek being a 17.25 acre tract described in V769/P426 and (northerly side) the line of a 23.75 acre tract following the left bank (centerline) of Wilson Creek described in V779/P309, the line of a 177.99 acre tract (left bank – centerline) described in V427/P2, the line of an 80.14 acre tract (left bank-centerline) described in V448/P466, and the line of a 90.36 acre tract (left bank-centerline) described in V441/P259 and reaching Lavon Lake.

This document was prepared under 22 TAC §663.21, and 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 subdivisions for which it was prepared, November 11, 2009 and updated May 2011, November 2011 and August 2014.



Nedra J. Foster

Registered Professional Land Surveyor No. 5502

