

ORDINANCE NO. 2022-03-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, VACATING A PORTION OF AN UNNAMED ALLEY LOCATED EAST OF SHERMAN STREET AND WEST OF COLEMAN STREET, APPROXIMATELY 150 FEET SOUTH OF BERRY AVENUE, BEING PART OF THE MILLIE MUSE ADDITION, AND CONTAINING APPROXIMATELY 0.065 ACRES; PROVIDING FOR THE CONVEYANCE OF SAID RIGHT-OF-WAY TO THE ADJOINING PROPERTY OWNERS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the City of McKinney, Texas (“City”) is a home rule municipality; and

WHEREAS, a home-rule municipality has exclusive control over and under the public highways, streets and alleys of the municipality, Texas Transportation Code § 311.001 and has the authority to vacate, abandon or close a street or alley pursuant to Texas Transportation Code § 311.007; and

WHEREAS, the owners of the properties immediately adjacent to a portion of an unnamed alley (“Petitioners”), located east of Sherman Street and west of Coleman Street, approximately 150 feet south of Berry Avenue, being part of the Millie Muse Addition, and containing approximately 0.065 acres, in the City of McKinney, Collin County, Texas, which is more fully depicted in Exhibit A and more fully described in Exhibit B, attached hereto and incorporated herein for all purposes allowed by law (“Right-of-Way”), have petitioned the City of McKinney to vacate, abandon, and close said Right-of-Way pursuant to Section 142-80 of the Code of Ordinances, City of McKinney, Texas (“McKinney Code”); and

WHEREAS, the Right-of-Way represents a maintenance and operations liability to the City and would serve a greater benefit by being reverted to private property and contributing to property tax revenues; and

WHEREAS, the City Council of the City (“City Council”) finds that notice of the public hearing for consideration of this petition was provided in accordance with Section 142-80 of the McKinney Code; and

WHEREAS, after public hearing held before the City Council, the City Council has determined and finds that the Right-of-Way is not needed for travel by the general public, and that the vacation, abandonment, and closure of the Right-of-Way is in the best interest of the City, and that the Right-of-Way should be vacated, abandoned, and closed.

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

Section 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of McKinney, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. The Right-of-Way, which is depicted in Exhibit A and more fully described in Exhibit B, attached hereto, is hereby vacated, abandoned, and closed.

Section 3. A Drainage Easement is to be retained by the City of McKinney over the entirety of the abandoned right-of-way.

Section 4. The City hereby agrees to the conveyance of the Right-of-Way to Petitioners in exchange for the reduced operations and maintenance costs and the increased property tax revenues resulting from said conveyance.

Section 5. This ordinance shall become effective immediately upon adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 15TH DAY OF MARCH, 2022.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

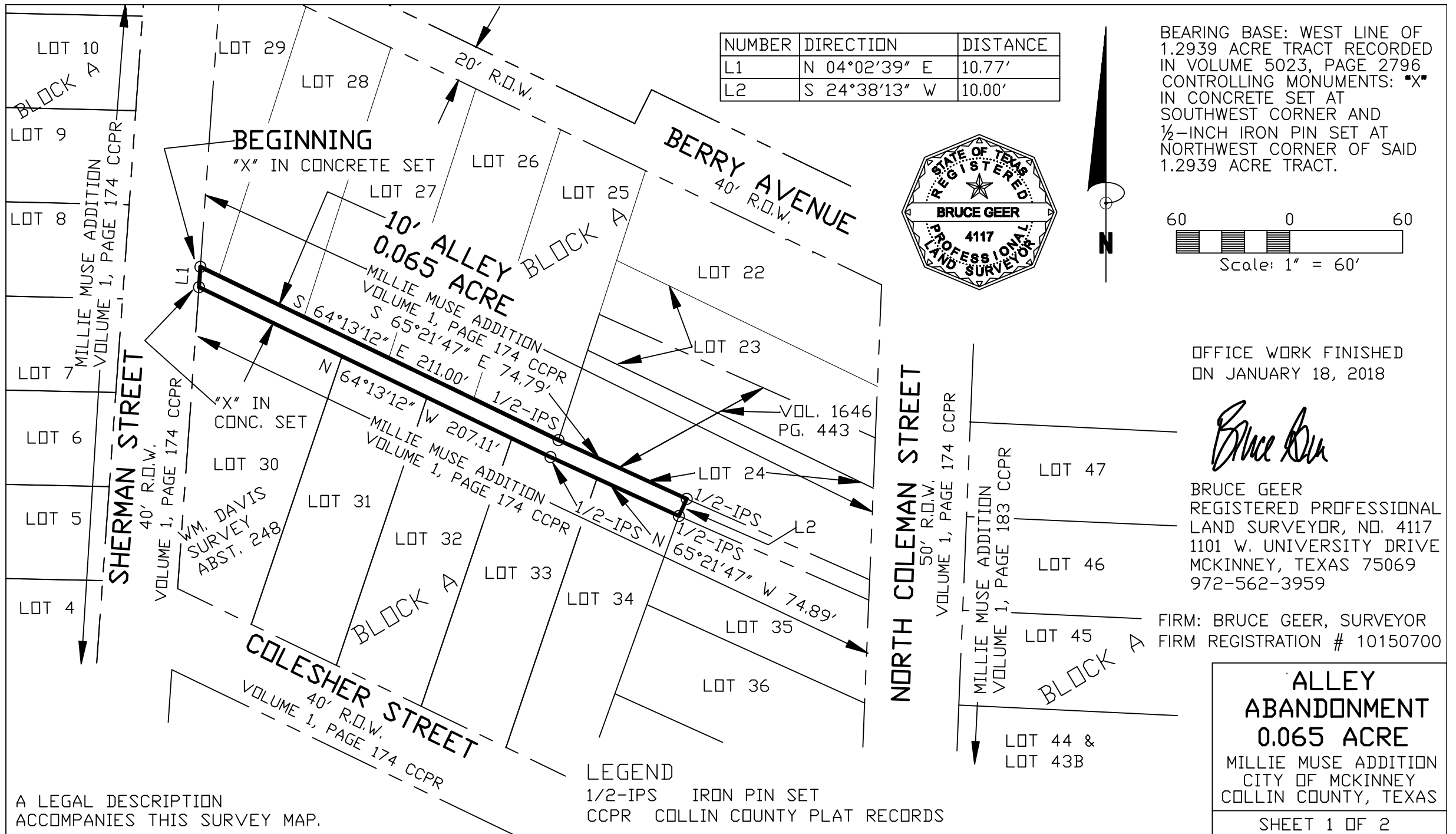
EMPRESS DRANE
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

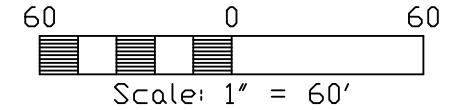
Exhibit "A"



NUMBER	DIRECTION	DISTANCE
L1	N 04°02'39" E	10.77'
L2	S 24°38'13" W	10.00'



BEARING BASE: WEST LINE OF 1.2939 ACRE TRACT RECORDED IN VOLUME 5023, PAGE 2796. CONTROLLING MONUMENTS: "X" IN CONCRETE SET AT SOUTHWEST CORNER AND 1/2-INCH IRON PIN SET AT NORTHWEST CORNER OF SAID 1.2939 ACRE TRACT.



OFFICE WORK FINISHED ON JANUARY 18, 2018

Bruce Geer

BRUCE GEER
 REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 4117
 1101 W. UNIVERSITY DRIVE
 MCKINNEY, TEXAS 75069
 972-562-3959

FIRM: BRUCE GEER, SURVEYOR
 FIRM REGISTRATION # 10150700

ALLEY ABANDONMENT
0.065 ACRE
 MILLIE MUSE ADDITION
 CITY OF MCKINNEY
 COLLIN COUNTY, TEXAS
 SHEET 1 OF 2

A LEGAL DESCRIPTION ACCOMPANIES THIS SURVEY MAP.

Exhibit "B"

CITY OF MCKINNEY
PARTIAL ALLEY ABANDONMENT BETWEEN SHERMAN STREET & COLEMAN STREET
BLOCK A, MILLIE MUSE ADDITION
0.065 ACRE

SITUATED in the City of McKinney, Collin County, Texas, in the William Davis survey, abstract no. 248, being a survey of part of the 10 foot wide alley between Sherman Street and Coleman Street, in Block A of the Millie Muse Addition, according to the map or plat thereof recorded in volume 1, page 174 of the Plat Records of Collin County, Texas, being described by metes and bounds as follows:

BEGINNING at an "x" chiseled in concrete at the southwest corner of Lot 29, Block A of said Millie Muse Addition, in the east right-of-way line of Sherman Street; same being at the northwest corner of said 10 foot wide alley;

THENCE South $64^{\circ}13'12''$ East, with the north line of said alley and with the south line of lots 29, 28, 27, 26, and 25, 211.00 feet to a 1/2-inch iron pin set at the southeast corner of said Lot 25 and the southwest corner of Lot 24, Block A of said Millie Muse Addition;

THENCE South $65^{\circ}21'47''$ East, with the north line of said alley and with the south line of said Lot 24, 74.79 feet to a 1/2-inch iron pin set;

THENCE South $24^{\circ}38'13''$ West, crossing said alley, 10.00 feet to a 1/2-inch iron pin set in the south line of said alley, at the northwest corner of Lot 35, Block A and the northeast corner of Lot 34, Block A of said Millie Muse Addition;

THENCE North $65^{\circ}21'47''$ West, with the south line of said alley and with the north line of said Lot 34 and the north line of Lot 33, Block A of said Millie Muse Addition, 74.89 feet to a 1/2-inch iron pin set in the north line of said Lot 33;

THENCE North $64^{\circ}13'12''$ West, with the south line of said alley and with the north line of said Lot 33, the north line of Lot 32, 31, and 30, 207.11 feet to a "x" chiseled in concrete at the northwest corner of said Lot 30, in the east right-of-way line of said Sherman Street;

THENCE North $04^{\circ}02'39''$ East, with the east right-of-way line of said Sherman Street and the west line of said alley, 10.77 feet to the PLACE OF BEGINNING and containing 0.065 acre.

Office work completed January 18, 2022



Bruce Geer, Registered Professional Land Surveyor, No. 4117
1101 W. University Drive, McKinney, Texas 75069
Phone 972-562-3959



A survey map accompanies this legal description.

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