

**ORDINANCE NO. 2021-05-\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, CLOSING CERTAIN PORTIONS OF THE PARKWAY SECTION OF TRINITY FALLS PARKWAY APPROXIMATELY 3,000 FEET SOUTH OF THE INTERSECTION OF TRINITY FALLS PARKWAY AND FM 543 WHICH RIGHT-OF-WAY CONTAINS APPROXIMATELY 0.086 ACRES OF LAND; PROVIDING FOR THE CONVEYANCE OF SAID CLOSED RIGHTS-OF-WAY TO THE ADJACENT PROPERTY OWNER OF RECORD FOR PARCEL R-6371-002-0700-1, SUBJECT TO CERTAIN RESERVATIONS OF THE CITY; 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

**WHEREAS**, a home-rule municipality has the authority to vacate, abandon or close a street or alley pursuant to Texas Transportation Code § 311.007; and

**WHEREAS**, the owner of the property immediately adjacent to and abutting certain portions of Trinity Falls Parkway at a point approximately 3,000’ south of FM 543, containing a total of approximately 0.086 acres, as depicted in Exhibit “A” attached hereto and incorporated herein for all purposes allowed by law (“Right-of-Way”), have entered into an agreement with 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”) to dispose of excess, unnecessary right of way in exchange for certain land rights required to complete the construction of the new 4-lane section of Trinity Falls Parkway; and

**WHEREAS**, Trinity Falls Parkway has been reconstructed as a 4-lane arterial roadway, and the abandonment area shown in Exhibit A is no longer necessary; 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 in exchange for the land rights necessary to construct the new segment of Trinity Falls Parkway 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 attached hereto, is hereby closed for public travel.
- Section 3. The City hereby agrees to the conveyance and sale of the Right-of-Way to the adjacent owner of the contiguous parcel R-6371-002-0700-1 in partial exchange for their dedication of Trinity Falls Parkway land rights to the City, and hereby authorizes the City Manager to execute a quit claim deed without warranty to the owner of the adjacent property.

Section 4. The City of McKinney reserves an exclusive variable width Utility & Drainage Easement over and within the entirety of the Right-of-Way.

Section 5. This ordinance shall become effective upon the settlement of all land rights agreements from the owner of record of Parcel R-6371-002-0700-1 related to the construction of Trinity Falls Parkway.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 4<sup>th</sup> DAY OF MAY, 2021.**

CITY OF MCKINNEY, TEXAS

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GEORGE C. FULLER  
Mayor

CORRECTLY ENROLLED:

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EMPRESS DRANE  
City Secretary  
JOSHUA STEVENSON  
Deputy City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney