

**ORDINANCE NO. 2013-07-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ANNEXING CERTAIN TERRITORIES TO THE CITY OF MCKINNEY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF**

**WHEREAS**, the City of McKinney, Texas has adopted an updated Comprehensive Plan to encourage and coordinate future physical development within its Ultimate Planning Area; and

**WHEREAS**, the City of McKinney recognizes that certain mechanisms are necessary to implement said Comprehensive Plan; and

**WHEREAS**, the Comprehensive Annexation Plan is such a mechanism to aid in the implementation of the Comprehensive Plan; and

**WHEREAS**, the specific purposes of the Comprehensive Annexation Plan are:

1. to aid in implementing the City of McKinney Comprehensive Plan,
2. to define and protect the ultimate boundaries of McKinney,
3. to ensure responsible planning,
4. to encourage quality development in the future, and
5. to ensure the continued attractive and efficient growth of the City; and

**WHEREAS**, the protection of the public health and general welfare of the people of the City of McKinney requires that such development be in an orderly manner and controlled by the City of McKinney; and

**WHEREAS**, two public hearings were held before the City Council of the City of McKinney, Texas, on the 17<sup>th</sup> day of June, 2013, at 5:30 p.m., and on the 18<sup>th</sup> day of June, 2013, at 6:00 p.m., which dates were not more than 40 (40) days nor less than twenty (20) days prior to the institution of annexation proceedings; and

**WHEREAS**, a third and final public hearing was held before the City Council of the City of McKinney, Texas, on the 16<sup>th</sup> day of June, 2013, at 6:00 p.m., to consider the adoption of an ordinance to annex the subject property at the voluntary request of the property owners; and

**WHEREAS**, notice of such public hearings were published in a newspaper having general circulation in the City of McKinney, Texas, the 2<sup>nd</sup> day of June, 2013, and the 28<sup>th</sup> day of June 2013, which dates were not more than twenty (20) days nor less than ten (10) days prior to the day of such public hearings; and

**WHEREAS**, the territory lies adjacent to and adjoins properties within the City of McKinney, Texas;

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

Section 1. The following described and illustrated land and territories lying adjacent to and adjoining properties within the City of McKinney, Texas, are hereby added and annexed to the City of McKinney, Texas, to wit:

**SEE ATTACHED EXHIBIT A (LOCATION MAP)  
SEE ATTACHED EXHIBIT B (LEGAL DESCRIPTION)  
SEE ATTACHED EXHIBIT D (PROPERTY DESCRIPTION)**

- Section 2. The above described and illustrated territory lying adjacent to and adjoining said territory above shall hereafter be included within the boundary limits of the City of McKinney, Texas, and the present boundary limits of said City, at the various point contiguous to the area described and illustrated above, are altered and amended so as to include said area within the corporate limits of the City of McKinney, Texas.
- Section 3. The Service Plan (Exhibit C) shall be adopted by the McKinney City Council and shall apply to all areas annexed.
- Section 4. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.
- Section 5. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 16<sup>th</sup> DAY OF JULY, 2013.**

CITY OF MCKINNEY, TEXAS

\_\_\_\_\_  
BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

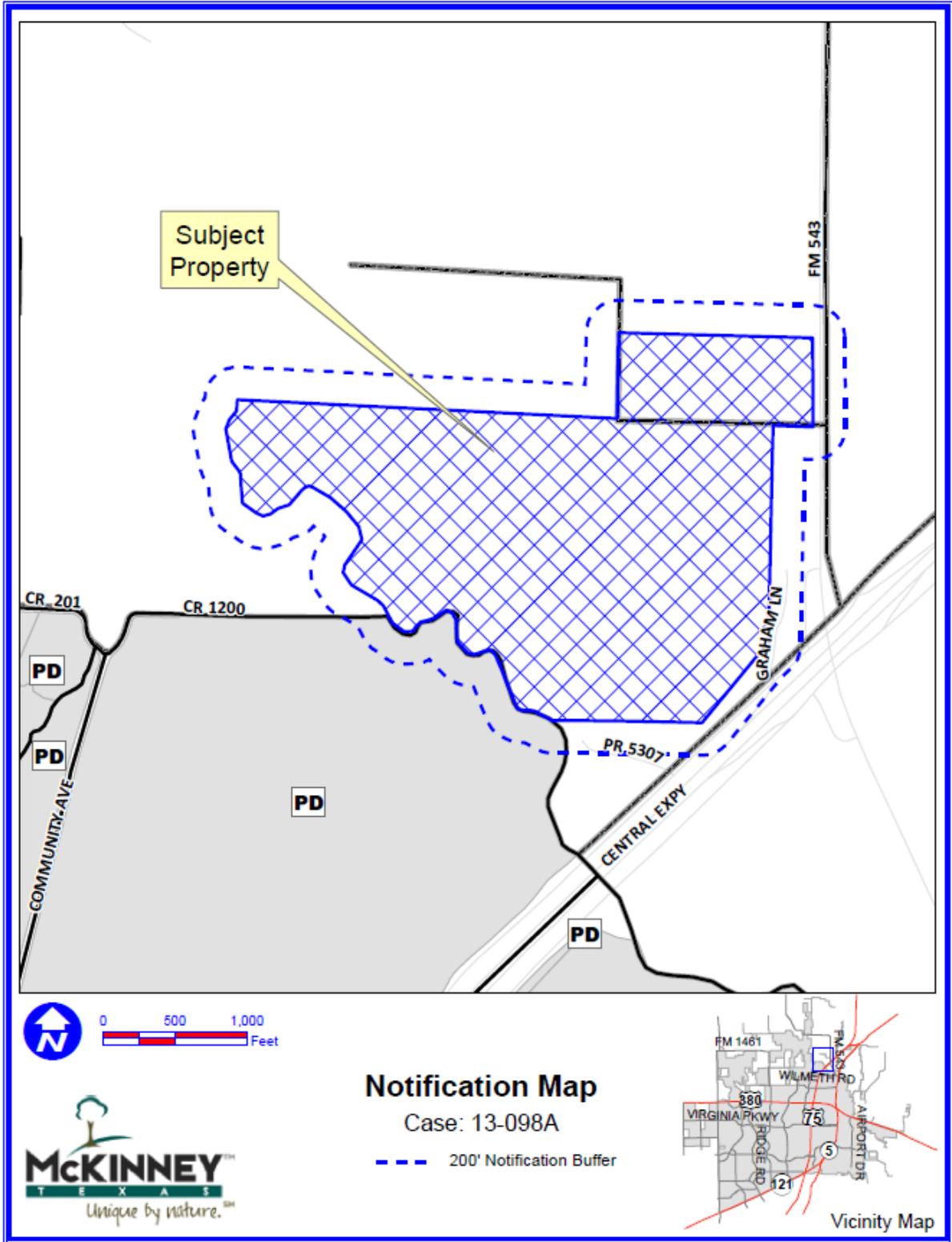
\_\_\_\_\_  
SANDY HART, TRMC, MMC  
City Secretary  
BLANCA I. GARCIA  
Assistant City Secretary

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

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK S. HOUSER  
City Attorney

# Exhibit A – Location Map



Path: S:\MCKGIS\Notification\Projects\2013113-098A.mxd

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

## Exhibit B – Legal Description

### LEGAL DESCRIPTION

#### WILSON 155

BEING a tract of land out of the Meredith Hart Survey, Abstract No. 371 in Collin County, Texas, and being all of the called 19.142 acre tract of land described as Tract 3-C and the called 135.991 acre tract of land described as Tract 3-D in deed to Addison G. Wilson, Jr., recorded in Volume 935, Page 590 of the Deed Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a 1/2-inch iron pipe found for the northeast corner of a called 19.142 acre tract of land described in deed to Addison G. Wilson, Jr., recorded in Volume 935, Page 590, Deed Records, Collin County, Texas, same being the southeast corner of a called 16.856 acre tract of land described in deed to Evelyn Wilson Cole, recorded in Volume 935, Page 605, Deed Records, Collin County, Texas from which a 1/2-inch iron pipe bears North 00°35'00" East, a distance of 547.18 feet, same being on the west right-of-way line of Farm to Market (F.M.) No. 543 (a variable width public right-of-way);

THENCE with said west right of way line, South 00°18'11" East, a distance of 617.16 feet to a 3/8-inch iron rod found for the northeast corner of a called 1.176 acre tract of land described in deed to George & Kathy Krenshavage, as recorded in Collin County Clerk's File No. 94-0059154, Official Public Records of Collin County, Texas;

THENCE leaving said west right-of-way line and along the common line of said 1.176 acre tract and said 19.142 acre tract, North 87°14'28" West, a distance of 278.25 feet to a 1/2-inch iron rod found on the south line of said 19.142 acre tract for the northwest corner of said 1.176 acre tract, same being the northeast corner of a called 135.991 acre tract of land described in deed to Addison Wilson, Jr., recorded in Volume 935, Page 590, Deed Records, Collin County, Texas;

THENCE with the common line of said 1.176 acre tract and said 135.991 acre tract, South 01°27'54" West, pass at a distance of 183.08 feet, a 5/8-inch iron rod found for the southwest corner of said 1.176 acre tract, same being the northwest corner of a called 1.046 acre tract described in deed to Michael & Teri Wallis, recorded in Volume 2199, Page 371, Deed Records, Collin County, Texas, for a total distance of 208.03 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

THENCE with the common line of said 135.991 acre tract and said 1.046 acre tract, South 01°25'40" West, pass at a distance of 146.25 feet, a point for the southwest corner of said 1.046 acre tract, same being the northwest corner of a called 2.000 acre tract of land described in deed to Daniel & Shawna Wolf, recorded in Volume 3390, Page 427, Deed Records, Collin County, Texas, pass at a distance of 297.80 feet, a point for the southwest corner of said 2.000 acre

## Exhibit B – Legal Description

tract, same being the northwest corner of a called 0.864 acre tract of land described in deed to J.M. Clay, recorded in Volume 3213, Page 169, Deed Records, Collin County, Texas, pass at a distance of 132.15 feet, a point for the southwest corner of said 0.864 acre tract, same being the northwest corner of a called 0.946 acre tract of land described in deed to Billy W. Clay, recorded in Volume 3213, Page 169, Deed Records, Collin County, Texas, pass at a distance of 167.83 feet, a point for the southwest corner of said 0.964 acre tract, same being the northwest corner of a called 3.03 acre tract of land described in deed to Elaine M. Dawson, recorded in Volume 2874, Page 14, Deed Records, Collin County, Texas, for a total distance of 1167.00 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

THENCE with the common line of said 135.991 acre tract and said 3.03 acre tract, South 01°04'40" West, a distance of 147.76 feet to a 5/8-inch iron rod with Texas Department of Transportation (TxDOT) aluminum cap on the northwesterly right-of-way line of U.S. Highway 75 (a variable width public right-of-way);

THENCE with said northwesterly right-of-way line, South 46°01'05" West, a distance of 102.18 feet to a 5/8-inch iron rod with a Texas Department of Transportation (TxDOT) aluminum cap;

THENCE with said northwesterly right-of-way line, South 39°44'53" West, a distance of 605.43 feet to a 5/8-inch iron rod with a Texas Department of Transportation (TxDOT) aluminum cap for the northeast corner of a called 41.31 acre tract of land (Second Tract) described in deed to W.R. Black and wife, Imogene Black as recorded in Volume 534, Page 469, Deed Records, Collin County, Texas;

THENCE leaving said northwesterly right-of-way line and with the common line of said 135.991 acre tract and said 41.31 acre tract, the following courses and distances, to wit:

- North 88°47'20" West, a distance of 534.81 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- North 89°16'50" West, a distance of 252.20 feet to a 5/8-inch iron rod with "KHA" cap set for corner
- North 89°54'20" West, a distance of 251.00 feet to a point in the centerline of Honey Creek;

THENCE along the centerline of said creek, the following courses and distances, to wit:

- North 62°24'00" West, a distance of 145.00 feet to a point for corner;
- North 77°12'00" West, a distance of 33.00 feet to a point for corner;

## Exhibit B – Legal Description

- South 89°38'00" West, a distance of 59.00 feet to a point for corner;
- North 62°51'00" West, a distance of 36.00 feet to a point for corner;
- North 21°32'00" West, a distance of 274.00 feet to a point for corner;
- North 22°43'00" West, a distance of 122.00 feet to a point for corner;
- North 48°29'00" West, a distance of 53.00 feet to a point for corner;
- South 73°58'00" West, a distance of 75.00 feet to a point for corner;
- South 70°39'00" West, a distance of 35.00 feet to a point for corner;
- North 76°37'00" West, a distance of 49.00 feet to a point for corner;
- North 45°13'00" West, a distance of 104.00 feet to a point for corner;
- North 03°05'00" West, a distance of 157.00 feet to a point for corner;
- North 27°19'00" West, a distance of 48.00 feet to a point for corner;
- North 58°40'00" West, a distance of 47.00 feet to a point for corner;
- South 57°42'00" West, a distance of 111.00 feet to a point for corner;
- South 72°03'00" West, a distance of 98.00 feet to a point for corner;
- South 48°00'00" West, a distance of 44.00 feet to a point for corner;
- South 31°39'00" West, a distance of 34.00 feet to a point for corner;
- South 87°33'00" West, a distance of 60.00 feet to a point for corner;
- North 53°21'00" West, a distance of 104.00 feet to a point for corner;
- North 27°29'00" West, a distance of 132.00 feet to a point for corner;
- North 45°52'00" West, a distance of 56.00 feet to a point for corner;
- North 60°09'00" West, a distance of 210.00 feet to a point for corner;
- North 32°55'00" West, a distance of 104.00 feet to a point for corner;
- North 11°27'00" East, a distance of 54.00 feet to a point for corner;
- North 34°48'00" East, a distance of 211.00 feet to a point for corner;
- North 14°36'00" West, a distance of 96.00 feet to a point for corner;
- North 39°43'00" West, a distance of 133.00 feet to a point for corner;
- North 48°54'00" West, a distance of 149.00 feet to a point for corner;
- North 59°20'00" West, a distance of 138.00 feet to a point for corner;
- North 71°18'00" West, a distance of 31.00 feet to a point for corner;
- South 69°16'00" West, a distance of 29.00 feet to a point for corner;
- South 50°07'00" West, a distance of 31.00 feet to a point for corner;
- South 40°34'00" West, a distance of 130.00 feet to a point for corner;
- South 72°45'00" West, a distance of 84.00 feet to a point for corner;
- South 52°46'00" West, a distance of 64.00 feet to a point for corner;
- South 73°22'00" West, a distance of 56.00 feet to a point for corner;
- North 62°52'00" West, a distance of 52.00 feet to a point for corner;
- North 55°14'00" West, a distance of 115.00 feet to a point for corner;
- North 05°20'00" West, a distance of 135.00 feet to a point for corner;
- North 02°19'00" West, a distance of 68.00 feet to a point for corner;
- North 26°10'00" West, a distance of 30.00 feet to a point for corner;
- North 37°22'00" West, a distance of 76.00 feet to a point for corner;
- North 10°44'00" West, a distance of 230.00 feet to a point for corner;
- North 20°58'00" East, a distance of 69.00 feet to a point for corner;
- North 40°41'00" East, a distance of 77.00 feet to a point for corner;
- North 04°24'05" East, a distance of 80.41 feet to a point for the southwest corner of a called 135.992 acre tract of land described in deed to Evelyn

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Wilson Cole, recorded in Volume 935, Page 605, Deed Records, Collin County, Texas;

THENCE along the common line of called 135.991 acre tract and called 135.992 acre tract, South 87°04'20" East, a distance of 2645.24 feet to a 5/8-inch iron rod with "KHA" cap set for the southwest corner of said 19.142 acre tract;

THENCE along the common line of said 19.142 acre tract and said 135.992 acre tract, North 01°11'40" East, a distance of 592.62 feet to a 5/8-inch iron rod with "KHA" cap set for the southwest corner of said 16.856 acre tract;

THENCE along the common line of said 16.856 acre tract and said 19.142 acre tract, South 88°24'20" East, a distance of 1349.62 feet to the POINT OF BEGINNING and containing 153.6208 acres of land.

**Exhibit C – Service Plan**



**CITY OF MCKINNEY, TEXAS  
SERVICE PLAN FOR ANNEXED AREA**

**ANNEXATION ORDINANCE NO.** 2013-07-XXX

**DATE OF ANNEXATION ORDINANCE:** July 16, 2013

**ACREAGE ANNEXED:** 153.62 Acres

A component of the City of McKinney, Texas 2004 Comprehensive Plan is the annexation of the Ultimate Planning Area to define the boundaries of the City. The intent of this annexation and subsequent annexations is to assure continued, attractive, and efficient growth.

Municipal services shall be provided to the annexed tract(s) of land, by the City of McKinney, Texas, in accordance with the following provisions and V.T.C.A., Local Government Code, Section 43.065 (Vernon 2000).

**A. POLICE PROTECTION:**

1. Police personnel and equipment from the McKinney Police Department shall be provided to the area annexed on the effective date of this ordinance.
2. Police protection services shall be provided at a level of services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever is applicable.

**B. FIRE PROTECTION:**

1. Fire protection and Emergency Medical Services (EMS) from the McKinney Fire Department shall be provided to the area on the effective date of this ordinance.
2. Fire protection services shall be provided at a level of services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever is applicable.

**C. FIRE PREVENTION:**

The services of the City of McKinney Fire Marshal shall be provided to the area upon the effective date of this ordinance.

**D. SOLID WASTE COLLECTION:**

1. Solid waste collection shall be provided to the area annexed upon the effective date of this ordinance.

## **Exhibit C – Service Plan**

2. Solid waste collection services shall be provided at a level of service at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.
3. The collection of refuse from individual properties shall be made in accordance with the usual Sanitation Department scheduling. Residential customers may utilize the North Texas Municipal Water District - McKinney Landfill in accordance with City ordinances.

### **E. WATER SERVICE:**

1. For portions of the annexed area within the City of McKinney legally certificated area (CCN) the City of McKinney shall provide water services to this annexed area by any of the methods by which it extends the services to any other area of the municipality. For new development, the City of McKinney requires developers to construct the necessary infrastructure to meet the needs of the development. This requirement may also include off-site improvements.
2. The responsibility for construction of the infrastructure by the developer is noted in the pending Developer Agreement.
3. For portions of the annexed area within the City of McKinney legally certificated area (CCN), the City of McKinney shall allow the provision of extensions of water facilities to the areas annexed on the effective date of this ordinance. Such extensions shall be in accordance with Section 110-1 through 110-165 of the Code of Ordinances, City of McKinney, and as amended.
4. Connection to existing city water mains for water service will be provided in accordance with existing City Policies. Upon connection to existing mains, water will be provided at rates established by City Ordinance.
5. For portions of the annexed area within the City of McKinney legally certificated area (CCN), water services shall be provided at a level of services at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.
6. Water mains installed or improved to City standards within the annexed area which are part of the City of McKinney water system and are located within dedicated easements, rights-of-way, or any other acceptable location approved by the City Engineer, shall be maintained by the City of McKinney upon the effective date of this ordinance.
7. Maintenance of private lines will be the responsibility of the owner or occupant.
8. Where other water districts provide water service, the development shall still meet the City of McKinney standards for the sizing and construction of utilities.

### **F. SANITARY SEWER SERVICE:**

1. The City of McKinney shall provide sewer services to this annexed area by any of the methods by which it extends the services to any other area of the municipality. For new development, the City of McKinney requires

### **Exhibit C – Service Plan**

developers to construct the necessary infrastructure to meet the needs of the development. This requirement may also include off-site improvements.

2. The City of McKinney shall allow the provision of extensions of sanitary sewer facilities to the areas annexed upon the effective date of this ordinance. Such extensions shall be in accordance with Section 110-1 through 110-165 of the Code of Ordinances, City of McKinney, and as amended.
3. Connection to existing city sanitary sewer mains for sewage service will be provided in accordance with existing City Policies. Upon connection to existing mains, sanitary sewer collection will be provided at rates established by City Ordinances.
4. Sanitary sewer services shall be provided at a level of services at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.
5. Sanitary sewer mains and lift stations installed or improved to City Standards within the annexed area which are located within dedicated easement, rights-of-way, or any other acceptable location approved by the City Engineer, shall be maintained by the City of McKinney upon the effective date of this ordinance.

#### **G. STREETS:**

1. Emergency street maintenance shall be provided for publicly dedicated streets or roads within the areas annexed upon the effective date of this ordinance. Routine maintenance will be scheduled as part of the City's annual street maintenance program in accordance with the then current policies and procedures defined by ordinance.
2. Street services shall be provided at a level of services at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.

#### **H. PARKS AND RECREATION:**

1. The City of McKinney shall provide parks and recreation services to this annexed area by any of the methods by which it extends the services to any other area of the municipality. For new development, the City of McKinney requires developers to construct hike/bike trails in keeping with the Parks Master Plan. Additionally, new developments must still satisfy the parkland dedication requirements that call for land or fees in lieu of land for park.
2. Residents within the areas annexed may utilize all existing park and recreation facilities upon the effective date of this Ordinance. Fees for such usage shall be in accordance with current fees established by ordinance.
3. Additional park and recreation facilities shall be constructed based on Park policies defined in the 2012 Comprehensive Plan as amended, and the Parks Master Plan. The general planned locations and classifications of parks will ultimately serve residents from the current city limits and residents from areas being considered for annexation.

## **Exhibit C – Service Plan**

### **I. ENVIRONMENTAL HEALTH AND CODE ENFORCEMENT SERVICES:**

1. Enforcement of current environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicles ordinances and animal control ordinances, shall begin within this area upon the effective date of this annexation ordinance.
2. Inspection services, including but not limited to, the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical, and electrical work to ensure compliance with City Codes and Ordinances will be provided within upon the effective date of this ordinance.
3. The City shall provide the level of Environmental Health and Code Enforcement Services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.

### **J. PLANNING AND ZONING:**

These areas are zoned in conjunction with the annexation pursuant to the Comprehensive Zoning Ordinance #1270. The Future Lane Use Plan of the 2004 Comprehensive Plan as amended will serve as a guide for consideration of future zoning requests.

### **K. MISCELLANEOUS:**

Any city owned facility, building, or service located within the annexed area shall be operated and maintained by the City upon the effective date of the annexation ordinance.

### **L. CAPITAL IMPROVEMENTS PROGRAM**

If this area is annexed, such areas are immediately eligible for Capital Improvement Program consideration.

- M. Other municipal services for areas not specifically listed in Sections A-K shall be provided to an annexed area no later than two and one-half years after the effective date of the annexation, unless certain services cannot reasonably be provided within two and one-half years. In that case, the City shall propose a schedule for providing certain services, and the schedule shall provide for the provision of full municipal services no later than four and one-half years after the effective date of the annexation.

# Exhibit D – Property Description

