

ORDINANCE NO. 2012-06-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, VACATING AND ABANDONING THAT CERTAIN UNUSED AREA OF RIGHT-OF-WAY CONTAINING APPROXIMATELY 0.016 ACRES OF LAND ALONG THE EAST SIDE OF COIT ROAD NEAR ITS INTERSECTION WITH WESTRIDGE BOULEVARD, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the owners of the properties (“Petitioners”) immediately adjacent to and abutting that certain unused area of right-of-way containing approximately 0.016 acres of land, located along the east side of Coit Road near its intersection with Westridge Boulevard, in the City of McKinney, Texas, as more particularly described in Exhibit “A” and depicted 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 and abandon said Right-of-Way pursuant to Section 142-80 of the Code of Ordinances, City of McKinney, Texas (“Code”); and

WHEREAS, the Right-of Way is no longer needed by the City of McKinney, Texas, (“City”), for roadway purposes; and

WHEREAS, Petitioners have agreed to dedicate and convey to the City approximately 0.021 acres of land, as more particularly described in Exhibit “C” and depicted in Exhibit “D” attached hereto and incorporated herein for all purposes allowed by law (“Petitioner’s Property”), that is needed as right-of-way for the construction of a right-turn lane from Coit Road on to Westridge Boulevard; 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 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, that the vacation and abandonment of the Right-of-Way in exchange for additional needed right-of-way is in the best interest of the City, and that the Right-of-Way should be vacated and abandoned.

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

- 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, containing approximately 0.016 acres of land, located along the east side of Coit Road near its intersection with Westridge Boulevard, in the City, is hereby vacated and abandoned for public travel.
- Section 3. Notwithstanding the vacation and abandonment of the Right-of-Way for public travel, the City hereby reserves an exclusive, perpetual utility easement upon, over, across, under, along and within the entirety of the Right-of-Way.
- Section 4. This Ordinance shall become effective upon dedication and conveyance of Petitioner’s Property to the City.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 5th DAY OF JUNE, 2012.

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'

BEING, a tract of land situated in the John Cox Survey, Abstract No. 160, in the City of McKinney, Collin County, Texas, being part of Coit Road, an addition to the City of McKinney, as described in Volume 2008, Page 674, in the Plat Records of Collin County, Texas, and being part of Westridge Boulevard, an addition to the City of McKinney, as described in Volume O, Page 465, in said Plat Records and being more particularly described as follows:

BEGINNING, at a ½ inch iron rod found at the most northerly northwest corner of Parcel 1201, as described in Volume 2009, Page 329, in said Plat Records, also being in the south line of Westridge Boulevard;

THENCE, South 45°06'17" West, along the south line of said Westridge Boulevard and along the north line said Parcel 1201, for a distance of 35.66 feet, to a ½ inch rod found being in the east line of said Coit Road;

THENCE, South 00°01'57" East, along the east line of said Coit Road and along the west line of said Parcel 1201, for a distance of 77.76 feet, to a ½ inch iron rod found at the point of curvature of a curve to the right, having a radius of 265.00 feet, central angle of 11°08'53", and a tangent of 25.86 feet;

THENCE, continuing along said east and west lines and with said curve right for an arc distance of 51.56 feet (Chord Bearing South 05°32'29" West – 51.48 feet), to a ½ inch iron rod set for corner;

THENCE, North 00°01'57" West, departing said east and west lines, for a distance of 129.30 feet, to a ½ inch iron rod set for corner;

THENCE, North 45°06'17" East, for a distance of 35.27 feet, to a ½ inch iron rod set for corner;

THENCE, South 89°45'28" East, for a distance of 5.28 feet, to the POINT OF BEGINNING and containing 693 square feet of land.

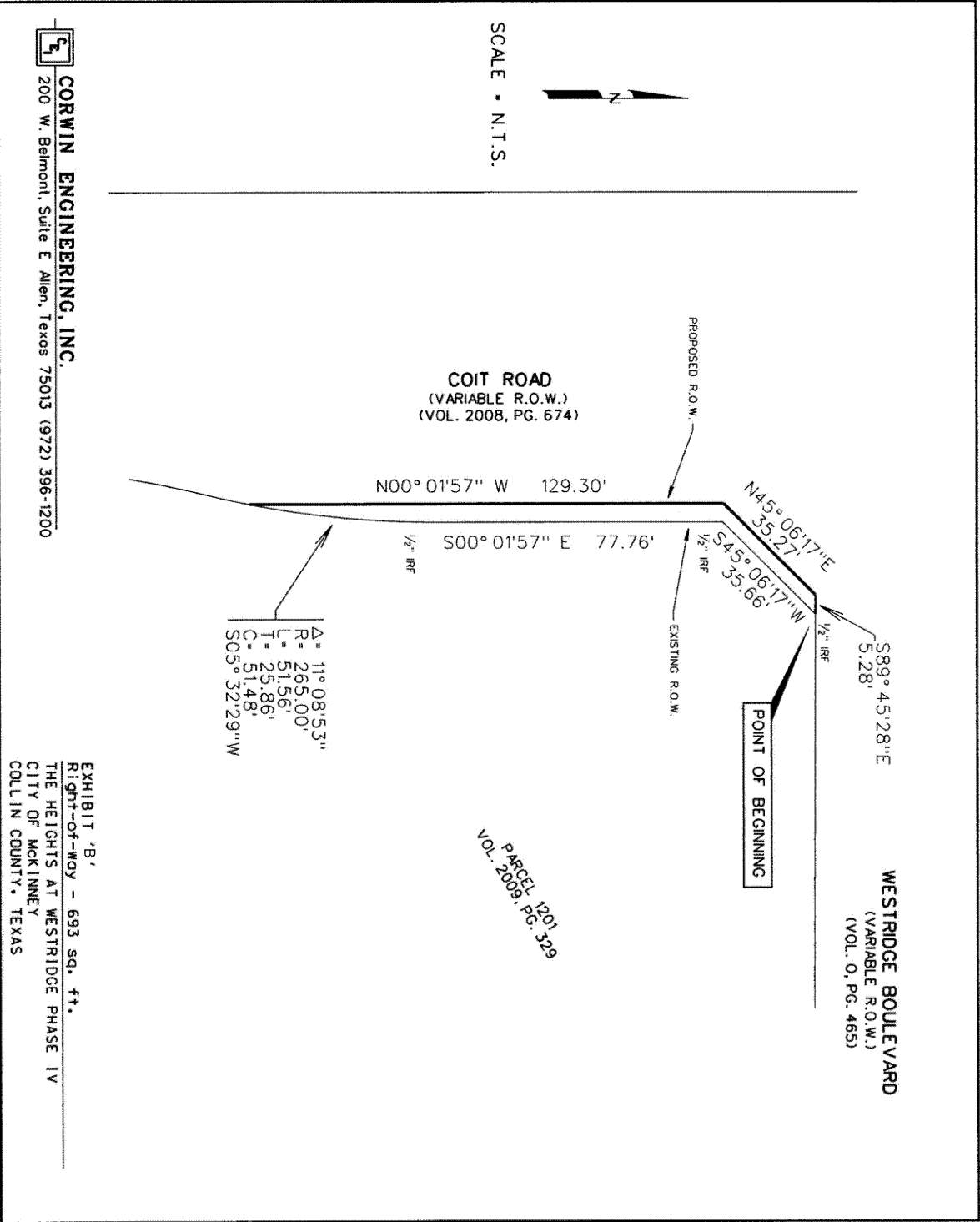


EXHIBIT 'B'

EXHIBIT 'C'

BEING, a tract of land situated in the John Cox Survey, Abstract No. 160, in the City of McKinney, Collin County, Texas, being part of Coit Road, an addition to the City of McKinney, as described in Volume 2008, Page 674, in the Plat Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING, at a ½ inch iron rod found at the most northerly northwest corner of Parcel 1201, as described in Volume 2009, Page 329, in said Plat Records, also being in the south line of Westridge Boulevard, an addition to the City of McKinney, as described in Volume O, Page 465, in said Plat Records;

THENCE, South 45°06'17" West, along the south line of said Westridge Boulevard and along the north line said Parcel 1201, for a distance of 35.66 feet, to a ½ inch rod found being in the east line of said Coit Road;

THENCE, South 00°01'57" East, along the east line of said Coit Road and along the west line of said Parcel 1201, for a distance of 77.76 feet, to a ½ inch iron rod found at the point of curvature of a curve to the right, having a radius of 265.00 feet, central angle of 11°08'53", and a tangent of 25.86 feet;

THENCE, continuing along said east and west lines and with said curve right for an arc distance of 25.86 feet (Chord Bearing South 05°32'29" West – 51.48 feet), to a ½ inch iron rod set at the POINT OF BEGINNING;

THENCE, South 00°01'57" East, departing said east and west lines, for a distance of 39.30 feet, to a ½ inch iron rod set for corner;

THENCE, South 03°46'54" West, for a distance of 150.33 feet, to a ½ inch iron rod set in the west line of said Parcel 1201 and the east line of said Coit Road;

THENCE, North 00°01'57" West, along said east and west lines, for a distance of 119.00 feet, to a ½ inch iron rod found at the point of curvature of a curve to the right, having a radius of 235.00 feet, a central angle of 14°03'54", and a tangent of 28.99 feet;

THENCE, continuing along said lines and with said curve to the right for an arc distance of 57.69 feet (Chord Bearing North 07°00'18" East – 57.54 feet), to a ½ inch iron rod found at the point of reverse curvature of a curve to the left, having a radius of 265.00 feet, a central angle of 02°55'19", and a tangent of 6.76 feet;

THENCE, continuing along said lines and with said curve to the left for an arc distance of 13.51 feet (Chord Bearing North 12°34'35" East – 13.51 feet), to the POINT OF BEGINNING and containing 896 square feet of land.

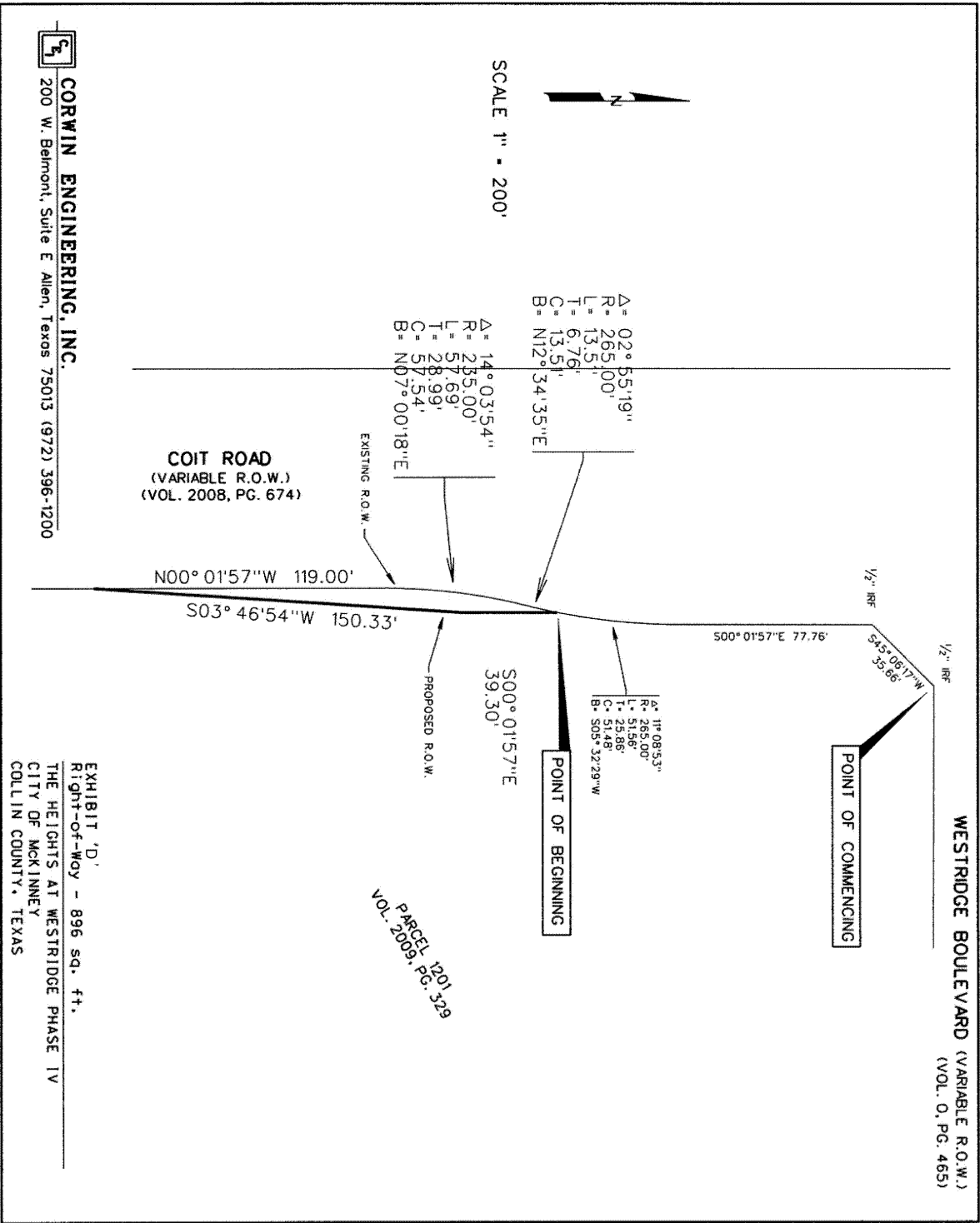


EXHIBIT 'D'