

ORDINANCE NO. 2024-09-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ANNEXING THE HEREINAFTER DESCRIBED PORTIONS OF THE CUSTER ROAD (FARM TO MARKET ROAD 2478), WEST UNIVERSITY DRIVE (U.S. ROUTE 380), AND FRONTIER PARKWAY (FARM TO MARKET ROAD 1461) RIGHTS-OF-WAYS TO THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND BINDING SAID PROPERTY TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN

WHEREAS, the annexation of property into the corporate limits of a city such as the City of McKinney, Texas is authorized and regulated by Chapter 43 of the Texas Local Government Code; and

WHEREAS, Subchapter E of Chapter 43 of the Texas Local Government Code authorizes the annexation by a city of certain areas, including reservoirs, airports, and streets, subject to the laws of this state; and

WHEREAS, Section 43.1055(c)(2) of the Texas Local Government Code permits a municipality to annex a road right-of-way upon providing written notice of the annexation to the owner of the right-of-way or the governing body of the political subdivision that maintains the right-of-way not later than the 61st day before the date of the proposed annexation and said owner or governing body does not submit a written objection to the municipality before the date of the proposed annexation; and

WHEREAS, notice was submitted on July 17, 2024, to the Texas Transportation Commission, being the governing body of the political subdivision that maintains that portion of Custer Road (Farm to Market Road 2478), West University Drive (U.S. Route 380), and Frontier Parkway (Farm to Market Road 1461) to be annexed into the City limits, and no written objection was received by the City from said body; and

WHEREAS, that portion of Custer Road (Farm to Market Road 2478), West University Drive (U.S. Route 380), and Frontier Parkway (Farm to Market Road 1461) to be annexed into the City limits is currently located within the City's extraterritorial jurisdiction; and

WHEREAS, all other procedures prescribed by the Texas Local Government Code and the laws of this state have been duly followed with respect to the hereinafter described portion of said roadways.

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

Section 1. All of the above premises are found to be true and correct legislative determinations and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. That portion of Farm to Market Road 2478 (Custer Road) right-of-way located north of U.S. Route 380 (West University Drive) and south of Farm to Market Road 1461 (Frontier Parkway); that portion of U.S. Route 380 (West University Drive) right-of-way from approximately 310 feet east of Red Bud Drive to its intersection with Farm to Market Road 2478 (Custer Road); that portion of County Road 1461 (Frontier Parkway) right-of-way from its intersection with the former right-of-way of Farm to Market Road 2478 (Custer Road) to its intersection with the existing right-of-way of Farm to Market Road 2478 (Custer Road), from the right-of-way centerline south

to the southern right-of-way boundary; and that portion of Farm to Market Road 2478 (Custer Road) north of County Road 1461 (Frontier Parkway) and south of County Road 170, from the right-of-way centerline east to the eastern right-of-way boundary, hereinafter depicted in Exhibit A, is hereby annexed to the City of McKinney, Collin County, Texas, and that the boundary limits of the City of McKinney be and the same are hereby extended to include the hereinafter described territory within the city limits of the City of McKinney, and the same shall hereafter be included within the territorial limits of said city, and said area shall be bound by the acts, ordinances, resolutions, and regulations of said city.

- Section 3. A service plan or agreement for the area is hereby adopted and attached as Exhibit B.
- Section 4. The City Secretary is hereby directed to file with the County Clerk of Collin County, Texas, a certified copy of this ordinance.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 17TH DAY OF SEPTEMBER, 2024.

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary
TENITRUS BETHEL
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney