

ORDINANCE NO. 98-01-04

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; TO CHANGE THE ZONING OF A 10.866 ACRE TRACT LOCATED ON THE NORTH SIDE OF FM 720, WEST OF U.S. 75 (CENTRL EXPRESSWAY) AND APPROXIMATELY 2000 FEET EAST OF HARDIN BOULEVARD, FROM "A" - AGRICULTURAL DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, PROVIDING REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the owner(s) of a 10.866 acre tract located on the north side of FM 720, west of U.S. 75 (Central Expressway) and approximately 2,000 feet east of Hardin Boulevard, in the City of McKinney, Collin County, Texas, have petitioned the City of McKinney to rezone such parcel of land from "A" - Agricultural District to "PD" - Planned Development District for a Cluster Housing Development to meet all "RED-1"- Residential Estates District standards, a complete legal description of such property being attached hereto and marked Exhibit "A", and made a part hereof for all purposes; and,

WHEREAS, after due notice of the requested zoning as required by law, and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of McKinney, Texas, and the City Council is of the opinion that said zoning should be made.

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

- Section 1. A 10.866 acre tract located on the north side of FM 720, west of U.S. 75 (Central Expressway) and approximately 2,000 feet east of Hardin Boulevard, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "A" - Agricultural District to "PD" - Planned Development District for a Cluster Housing Development.
- Section 2. Exhibit "B" shall be the development plan, as required in Section 3.20 of the Zoning Ordinance, titled Planned Development District, and Section 40-175 of the Subdivision Ordinance, titled Cluster Housing Developments. The development shall conform to said plan.
- Section 3. All of the area shown on Exhibit "A" shall be developed according to the "RED-1" - Residential Estates District standards as defined in Section 3.03 of the Zoning Ordinance of the City of McKinney and as amended from time to time. The zoning map shall be amended accordingly and shall serve as an attachment to this zoning.
- Section 4. If any tract within the subject property shall ever be transferred to a party not related to Dr. Billy Ray Boring (in at least the second degree of affinity or consanguinity), the owners of all tracts shall construct the entire private access road to the standards required by existing ordinances; such construction to occur prior to the transfer of any utility services to the property.
- Section 5. 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 6. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefor, shall be fined any sum not exceeding \$2000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.
- Section 7. No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.
- Section 8. 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 FIRST READING ON THE 20th DAY OF January, 1998.


DON DOZIER, MAYOR

ATTEST:


JENNIFER G. SMITH, City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

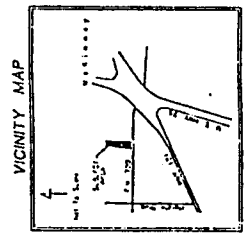
STATE OF TEXAS)
COUNTY OF COLLIN)

OWNERS CERTIFICATE

WHEREAS, Billy Ray Horing, being the owner of a tract of land situated in Collin County, Texas in the E. D. McCoy Survey, Abstract No. 577 and being all of the remainder of that first tract described as 16.648 acres less and except 10 acres leaving 6.648 acres and being all of that second tract described as 5.04 acres both owned by Billy Ray Horing, of ux and recorded in Volume 248, Page 195 of the D.R.C.C.T., said tract to be more particularly described by metes and bounds as follows:

Commencing at a 5/8" iron rod found with a 2-1/2" steel clover leaf cap, in the center line of F. M. Highway No. 720;
THENCE North 07° 42' 06" East, a distance of 40.21 feet to a 1/2" iron rod found in asphalt drive for the POINT OF BEGINNING, said point being the southwest corner of the herein described tract and being the southeast corner of a called 12.6872 acre tract owned by Plaza Land Holdings LP, and recorded in County Clerk File #96-0002436 said point also being the southwest corner of said 5.04 acre tract and in the north right-of-way line of F. M. 720;
THENCE North 07° 45' 00" East, a distance of 505.86 feet, along the west line of said 5.04 acre tract and along the east line of said 12.6872 acre tract, passing a 1/2" iron rod found for the north corner of said 32.5707 acre tract, owned by U.S. Home Corporation and recorded in County Clerk File #96-0002438 and continuing along the west line of said 5.04 acre tract and along the east line of said 32.5707 acre tract, passing a 1/2" iron rod set at 740.45 feet, said point being the northwest corner of said 5.04 acre tract, and the most northerly southwest corner of said 6.648 acre tract, and continuing along the west line of said 6.648 acre tract, said point also being the northwest corner of the herein described tract, said point also being the northeast corner of said 32.5707 acre tract, a total distance of 1,281.20 feet to a 5/8" iron rod found for the northwest corner of the herein described tract, said point also being the northeast corner of said 32.5707 acre tract, and the northwest corner of said 6.648 acre tract, said point also being the south line of the Vista of El Dorado Phase 4 Subdivision recorded in Cabinet I, Page 266 of the Plat
THENCE South 88° 43' 43" East, a distance of 300.58 feet along the north line of said 6.648 acre tract, and part of the way along the south line of Vista of El Dorado Phase 4 Subdivision, to a 1/2" iron rod found for the northeast corner of said 9.9876 acre tract, owned by the City of McKinney and recorded in Volume 1989, Page 451 of the D.R.C.C.T.,
THENCE South 01° 11' 57" West, a distance of 1,262.51 feet along the east line of said 6.648 acre tract, and along the west line of said 9.9876 acre tract, to a 1/2" iron rod found for the northeast corner of the herein described tract, said point also being the southeast corner of said 6.648 acre tract and the southwest corner of said 9.9876 acre tract, said point also being in the north right-of-way line of F. M. 720;
THENCE South 89° 55' 26" West, a distance of 446.86 feet along the south line of said 6.648 acre tract and along the south line of said 5.04 acre tract and along the north right-of-way line of F. M. 720, back to the POINT OF BEGINNING and containing 10.868 acres of land or 473,322.96 square feet more or less.

EXHIBIT "A"



10.866 Acres
E. D. McCOY SURVEY - Abstract No. 577
City of McKinney
Collin County, Texas

IT is the opinion of the surveyor, that no part of the subject herein lay within the 100 Year Flood Plain according to the latest data available. The subject is located on the map in the map No. 400045729 & of Federal Emergency Management Map, Effective Date: January 15, 1994.

City Directory
City of Chicago, 1900

EXHIBIT "B"