

AN ORDINANCE AMENDING ORDINANCE NO. 1270 SO THAT 47.42 ACRES OF LAND IN THE THOMAS J. MCDONALD SURVEY LOCATED WEST OF U.S. 75, NORTH OF OLD CELINA ROAD AND ON EITHER SIDE OF WILMETH ROAD IS ZONED RS-60, SINGLE FAMILY RESIDENCE 6,000 SQUARE FOOT MINIMUM LOT SIZE; RG-25, 2500 SQUARE FOOT PER UNIT MINIMUM; RG-18, GENERAL RESIDENCE 1,800 SQUARE FOOT PER UNIT MINIMUM AND PLANNED CENTER DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the owner or owners of 47.42 acres of land in the Thomas J. McDonald Survey have petitioned the City of McKinney to zone such property RS-60, Single Family Residence 6,000 Square Foot Minimum Lot Size; RG-25, 2,500 Square Foot Per Unit Minimum; RG-18, General Residence 1,800 Square Foot Per Unit Minimum and Planned Center District, and

WHEREAS, after due notice of the requested rezoning 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, the City Council is of the opinion that such rezoning change should be made.

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

SECTION I: That the real estate more fully described in the attached Exhibit "A" is hereby zoned RS-60, Single Family Residence 6,000 Square Foot Minimum Lot Size; RG-25, 2,500 Square Foot Per Unit Minimum; RG-18, General Residence 1,800 Square Foot Per Unit Minimum and Planned Center District, all in accordance with the Zoning Map attached hereto and marked Exhibit "B".

SECTION II: The following special development regulations shall apply: The maximum density in the RG-18 District shall be 22 dwelling units per acre.

SECTION III: That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development Zone or specific regulations contained herein. This Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

SECTION IV: 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 V: 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 \$200.00, 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 VI: 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 the 6th day of August, 1985.

CORRECTLY ENROLLED:



JENNIFER CRAVENS
CITY SECRETARY

EXHIBIT "A"
FIELD NOTES
MCKINNEY 135 JOINT VENTURE
TRACT 1B
RG-18

BEING a tract of land out of the Thomas J McDonald Survey, Abstract 576 and the John Manning Survey, Abstract 637, located in the City of McKinney, Collin County, Texas, and being part of a called 138.4331 Acre tract of land conveyed to McKinney 135 Joint Venture as recorded in Volume 2052, Page 259 of the Deed Records of Collin County, Texas (DRCCT), and being more particularly described as follows:

BEGINNING at an iron pin found for the Southwest corner of said 138.4331 Acre McKinney 135 Joint Venture Tract, said point also being in the centerline of Old Celina Road (a 50' ROW-by use), and the Southeast corner of a called 25.00 Acre tract of land conveyed to Dowreco, Inc as recorded in Volume 872, Page 105 (DRCCT);

THENCE, N 00°27'20" E, along the West line of said 138.4331 Acre tract, a distance of 558.61 feet to an old fence corner found in the centerline of proposed Osmond Lane (an 80' ROW), said point also being in a non-tangent circular curve to the right having an arc center which bears S 84°25'12" E, a distance of 500.00 feet and having a tangent length of 132.14 feet;

THENCE, along said circular curve to the right, and along said future centerline of Osmond Lane, through a central angle of 29°36'25", a distance of 258.37 feet to a point of tangency;

THENCE, N 35°11'13" E, a distance of 211.93 feet to the beginning of a circular curve to the left having a radius of 500.00 feet and a tangent length of 156.02 feet;

THENCE, along said circular curve to the left, through a central angle of 34°39'36", a distance of 302.00 feet to a point of tangency;

THENCE, N 00°31'37" E, passing an iron pin found for a common corner of said McKinney 135 Joint Venture Tract and a called 137.493 Acre tract of land conveyed to Murray Development Company as recorded in Volume 1895, Page 569 (DRCCT), a distance of 452.03 feet, and continuing along the common line of said two tracts for a total distance of 937.03 feet to a point for a corner, said point being the intersection of said centerline of Osmond Lane and the centerline of proposed Wilmeth Road (a 100' ROW);

THENCE, S 89°28'23" E, along the centerline of said Wilmeth Road, a distance of 386.36 feet to a point for a corner;

THENCE, S 03°37'58" E, departing from said centerline of Wilmeth Road, and along the centerline of a proposed drainage channel, a distance of 450.00 feet to the beginning of a circular curve to the right having a radius of 1500.00 feet and a tangent length of 230.91 feet;

THENCE, along said circular curve to the right, through a central angle of 17°30'11", a distance of 458.23 feet to the beginning of a circular curve to the left having a radius of 400.00 feet, and a tangent length of 107.13 feet;

THENCE, along said circular curve to the left, through a central angle of 29°59'09", a distance of 209.34 feet to the beginning of a circular curve to the right having a radius of 400.00 feet and a tangent length of 66.20 feet;

THENCE, along said circular curve to the right, through a central angle of 18°47'39", a distance of 131.20 feet to a point of tangency;

THENCE, S 02°40'43" W, a distance of 692.10 feet to the beginning of a circular curve to the right having a radius of 1000.00 feet and a tangent length of 69.56 feet;

THENCE, along said circular curve to the right, through a central angle of 07°57'29", a distance of 138.89 feet to the beginning of a circular curve to the left having a radius of 1000.00 feet and a tangent length of 55.00 feet;

THENCE, along said circular curve to the left, through a central angle of 56°17'47", a distance of 109.89 feet to a point of tangency;

THENCE, S 04°20'25" W, a distance of 40.02 feet to a point for a corner at an iron pin found in the South line of said 138.4331 Acre tract, said point also being the intersection of said centerline of Old Celina Road, and the centerline of an existing concrete box culvert;

THENCE, N 87°19'17" W, along the South line of said 138.4331 Acre tract and along said centerline of Old Celina Road, a distance of 643.91 feet to the POINT OF BEGINNING and CONTAINING 1,135,588 SQUARE FEET or 26.0695 ACRES of LAND, more or less.

D#3 MCK135-1B
M L MITCHELL & ASSOC.
JULY 26, 1985

FIELD NOTES
MCKINNEY 135 JOINT VENTURE
TRACT 1C
RS-60

BEING a tract of land out of the Thomas J McDonald Survey, Abstract 576 and the John Manning Survey, Abstract 637, located in the City of McKinney, Collin County, Texas, and being part of a called 138.4331 Acre tract of land conveyed to McKinney 135 Joint Venture as recorded in Volume 2052, Page 259 of the Deed Records of Collin County, Texas (DRCCT), and being more particularly described as follows:

BEGINNING at an old fence corner found in the West line of said 138.4331 Acre tract, and the East line of a called 25.00 Acre tract of land conveyed to Dowreco, Inc as recorded in Volume 872, Page 105 (DRCCT), said point being N 00° 27' 20" E, along said common line, a distance of 558.61 feet from an iron pin found for the common South corner, and the centerline of Old Celina Road (a 50' ROW-by use);

THENCE, N 00° 27' 20" E, continuing along said common line, a distance of 1146.18 feet to an iron pin found for the common North corner, said point also being in the South line of a 137.493 Acre tract of land conveyed to Murray Development Company as recorded in Volume 1895, Page 569, DRCCT;

THENCE, N 89° 35' 39" E, along the common line of said McKinney 135 tract, and said Murray tract, a distance of 297.51 feet to an iron pin found for a common corner between the two tracts, said point also being in the centerline of proposed Osmond Lane (an 80' ROW);

THENCE, S 00° 31' 37" W, along said centerline of proposed Osmond Lane, a distance of 452.03 feet to the beginning of a circular curve to the right having a radius of 500 feet and a tangent length of 156.02 feet;

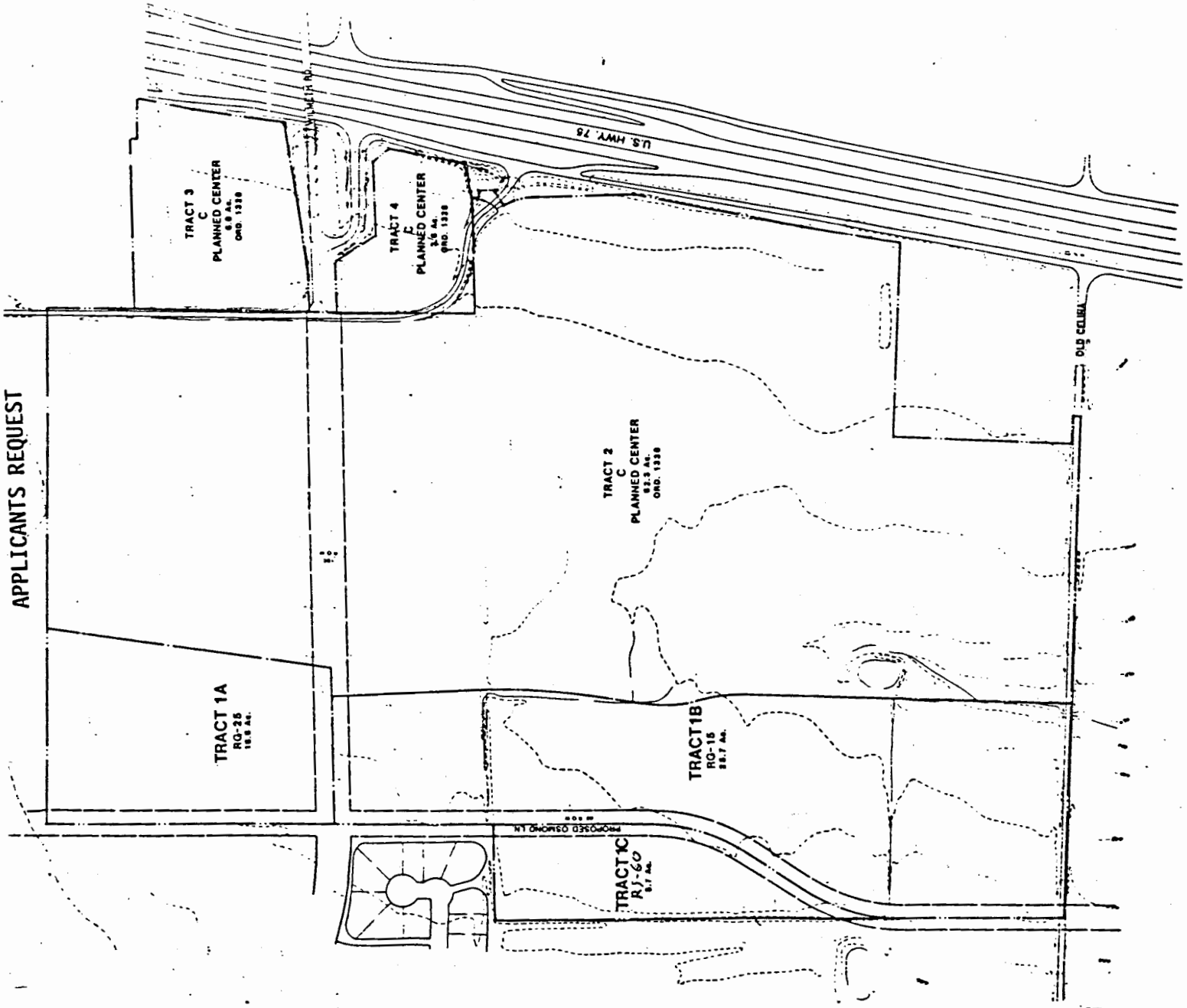
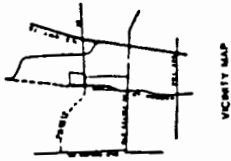
THENCE, along said circular curve to the right, through a central angle of 34° 39' 36", a distance of 302.47 feet to a point of tangency;

THENCE, S 35° 11' 13" W, a distance of 211.93 feet to the beginning of a circular curve to the left having a radius of 500 feet and a tangent length of 132.14 feet;

THENCE, along said circular curve to the left, through a central angle of 29° 36' 25", a distance of 258.37 feet to the POINT OF BEGINNING AND CONTAINING 243,243 SQUARE FEET or 5.5841 ACRES of LAND, more or less.

D#3 MCK135-1C
M L MITCHELL & ASSOC
JULY 26, 1985

Craig Properties
ZONING REQUEST
FOR
CHANGE FROM
RG-25 TO RG-15



APPLICANTS REQUEST

TRACT 3
C
PLANNED CENTER
8.9 A.C.
OND. 1338

TRACT 4
C
PLANNED CENTER
3.5 A.C.
OND. 1338

TRACT 2
C
PLANNED CENTER
8.2 A.C.
OND. 1338

TRACT 1A
RG-25
18.8 A.C.

TRACT 1B
RG-15
28.7 A.C.

TRACT 1C
RJ-60
0.7 A.C.

PROPOSED OSWEGO LN

U.S. HWY. 76

OLD COLUMBIA