

ORDINANCE NO. 2022-12-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, VACATING A PORTION OF AN UNNAMED ALLEY LOCATED SOUTH OF LOUISIANA STREET AND NORTH OF CLOYD STREET, APPROXIMATELY 100 FEET EAST OF CHESTNUT STREET, BEING PART OF THE WILCOX SUBDIVISION, AND CONTAINING APPROXIMATELY 0.0444 ACRES; PROVIDING FOR THE CONVEYANCE OF SAID RIGHT-OF-WAY TO THE ADJOINING PROPERTY OWNERS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the City of McKinney, Texas ("City") is a home rule municipality; and

WHEREAS, a home-rule municipality has exclusive control over and under the public highways, streets and alleys of the municipality, Texas Transportation Code § 311.001 and has the authority to vacate, abandon or close a street or alley pursuant to Texas Transportation Code § 311.007; and

WHEREAS, the owners of the properties immediately adjacent to a portion of an unnamed alley ("Petitioners"), located south of Louisiana street and north of Cloyd street, approximately 100 feet east of chestnut street, being part of the Wilcox Subdivision, and containing approximately 0.0444 acres, in the City of McKinney, Collin County, Texas, which is more fully depicted in Exhibit A and more fully described 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, abandon, and close said Right-of-Way pursuant to Section 142-80 of the Code of Ordinances, City of McKinney, Texas ("McKinney Code"); and

WHEREAS, the Right-of-Way represents a maintenance and operations liability to the City and would serve a greater benefit by being reverted to private property and contributing to property tax revenues; 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 McKinney 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, and that the vacation, abandonment, and closure of the Right-of-Way is in the best interest of the City, and that the Right-of-Way should be vacated, abandoned, and closed.

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

- 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, which is depicted in Exhibit A and more fully described in Exhibit B, attached hereto, is hereby vacated, abandoned, and closed.
- Section 3. A variable width Access, Utility, & Drainage Easement is to be retained by the City of McKinney over the entirety of the abandoned right-of-way.
- Section 4. The City hereby agrees to the conveyance of the Right-of-Way to Petitioners in exchange for the reduced operations and maintenance costs and the increased property tax revenues resulting from said conveyance.

Section 5. This ordinance shall become effective immediately upon adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 6TH DAY OF DECEMBER, 2022.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

LOUISIANA STREET

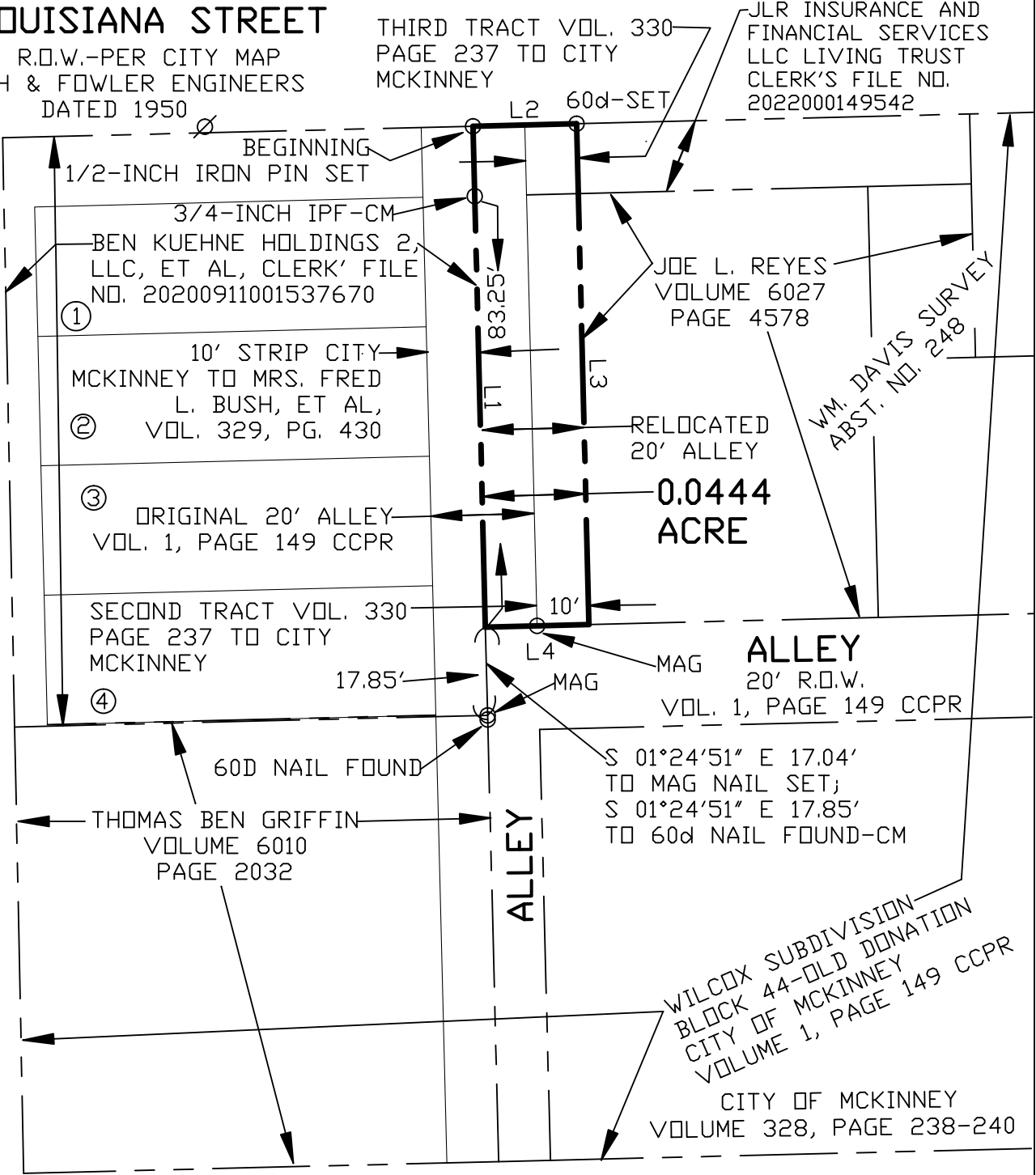
60' R.O.W.-PER CITY MAP
KOCH & FOWLER ENGINEERS
DATED 1950

THIRD TRACT VOL. 330
PAGE 237 TO CITY
MCKINNEY

JLR INSURANCE AND
FINANCIAL SERVICES
LLC LIVING TRUST
CLERK'S FILE NO.
2022000149542

CHESTNUT STREET

50' R.O.W.



CLOYD STREET

20' R.O.W.-VOL. 1, PAGE 149 CCPR

NUMBER	DIRECTION	DISTANCE
L1	N 01°24'51" W	96.75'
L2	N 88°35'09" E	20.00'
L3	S 01°24'51" E	96.75'
L4	S 88°35'09" W	20.00'

BEARING BASIS: GRID
NORTH USING ALLTERRA
GPS NETWORK

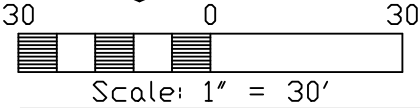


N

LEGEND

CCPR COLLIN COUNTY PLAT RECORDS
MAG MAG NAIL SET
IPF IRON PIN FOUND
X-SET X-SET IN CONCRETE
CM CONTROLLING MONUMENT
60d-SET 60d NAIL SET

OFFICE WORK FINISHED
ON AUGUST 31, 2022
OFFICE WORK REVISED
ON OCTOBER 7, 2022



A LEGAL DESCRIPTION
ACCOMPANIES THIS SURVEY
MAP.

FIRM: BRUCE GEER, SURVEYOR
FIRM REGISTRATION # 10150700

BRUCE GEER
REGISTERED PROFESSIONAL
LAND SURVEYOR, NO. 4117
1101 W. UNIVERSITY DRIVE
MCKINNEY, TEXAS 75069
972-562-3959

**ALLEY
ABANDONMENT
0.0444 ACRE**
WILCOX SUBDIVISION OF
BLOCK 44 OLD DONATION
CITY OF MCKINNEY
COLLIN COUNTY, TEXAS
SHEET 1 OF 2

EXHIBIT A

**CITY OF MCKINNEY
PARTIAL ALLEY ABANDONMENT BETWEEN LOUISIANA STREET & CLOYD STREET
WILCOX SUBDIVISION OF BLOCK 44, OLD DONATION CITY OF MCKINNEY
0.0444 ACRE**

SITUATED in the City of McKinney, Collin County, Texas, in the William Davis survey, abstract no. 248, being a survey of part of the Wilcox Subdivision of Block 44 of the Old Donation of the City of McKinney recorded in volume 1, page 149 of the Collin County plat records, being described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron pin set at the northeast corner of a tract of land from City of McKinney to Mrs. Fred L. Bush, et al, recorded in volume 329, page 430; same being in the south right-of-way line of Louisiana Street; same being the northwest corner of the relocated 20 foot wide alley;

THENCE North 88°35'09" East, with the north line of said 20 foot wide alley and with the south right-of-way line of Louisiana Street, passing at 10.00 feet the northwest corner of the Third Tract described in a deed from Mrs. Fred L. Bush, et al to the City of McKinney recorded in volume 330, page 237 and continuing with the north line of said Third Tract, in all 20.00 feet to a 60d nail set at the northeast corner of said Third Tract; same being the northeast corner of said relocated 20 foot wide alley;

THENCE South 01°24'51" East, with the east line of said relocated 20 foot wide alley and with the east line of said Third Tract, passing at 13.5 feet the southeast corner of said Third Tract and the northeast corner of the Second Tract recorded in said deed in volume 330, page 237, continuing with the east line of said Second Tract, in all 96.75 feet to a point at the southeast corner of said Second Tract; a mag nail set bears North 07°18'55" West, 97.27 feet;

THENCE South 88°35'09" West, with the south line of said Second Tract, passing at 10.00 feet, a mag nail set at the southwest corner of said Second Tract and continuing in all 20.00 feet to a point in the east line of said tract in volume 329, page 430 and the west line of said relocated 20 foot wide alley; a mag nail set bears South 01°24'51" East, 17.04 feet and a 60d nail found bears South 01°24'51" East, 17.85 feet;

THENCE North 01°24'51" West, with the east line of said tract in volume 329, page 430 and with the west line of said relocated 20 foot wide alley, passing at 83.25 feet, a 3/4-inch iron pin found and continuing in all, 96.75 feet to the PLACE OF BEGINNING and containing 0.0444 acre or 1935 square feet.

Office work completed August 31, 2022

Office work revised on October 7, 2022



**Bruce Geer, Registered Professional Land Surveyor, No. 4117
1101 W. University Drive, McKinney, Texas 75069
Phone 972-562-3959**



A survey map accompanies this legal description.

Sheet 2 of 2

EXHIBIT B