

ORDINANCE NO. 2023-05-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, VACATING A PORTION OF AN UNNAMED ALLEY LOCATED SOUTH OF FIRST STREET AND NORTH OF PEARSON AVENUE, APPROXIMATELY 130 FEET EAST OF WADDILL STREET, BEING PART OF THE COLLEGE ADDITION, AND CONTAINING APPROXIMATELY 0.167 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 First street and north of Pearson avenue, approximately 130 feet east of Waddill street, being part of the College Addition, and containing approximately 0.167 acres, in the City of McKinney, Collin County, Texas, which is more fully depicted and more fully described in Exhibit A, 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 311 of the Unified Development Code, 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 311 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 16TH DAY OF MAY, 2023.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney