RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AUTHORIZING A PARTIAL RELEASE OF A TREE PRESERVATION DEDICATION AND RESTRICTIVE COVENANT RELATING TO PROPERTY DESCRIBED AND DEPICTED IN EXHIBIT "A" ATTACHED HERETO LOCATED WITHIN THE PROPOSED VILLAGE AT TWIN CREEKS PHASE III DEVELOPMENT AND OTHER PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 2.L. of Ordinance No. 2843-6-09, Bossy Boots Holdings, Ltd. executed that certain *Tree Preservation Dedication and Restrictive Covenant* (the "Restrictive Covenant") in favor of and for the benefit of the City of Allen, which was recorded as Instrument No. 20090708000855790, Real Property Records, Collin County, Texas; and,

WHEREAS, the property to which the Restrictive Covenant is subject includes property outside of the scope of the regulations of Ordinance No. 2843-6-09; and,

WHEREAS, the owner of a portion of the property which is subject to the Restrictive Covenant but not subject to Ordinance No. 2843-6-09 has requested that the owner's property be released from the Restrictive Covenant; and,

WHEREAS, the City Council, having considered the request and the manner in which the property adjacent to the property subject to the Restrictive Covenant has developed or will be developed, finds that enforcement of the Restrictive Covenant with respect to property outside the scope of Ordinance No. 2843-6-09 serves no continuing public purpose and that the Restrictive Covenant should be partially released as requested.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The City Manager is hereby authorized to sign on behalf of the City of Allen such instruments as he determines to be reasonable and necessary to grant a partial release of the Restrictive Covenant with respect to the real property described and depicted in Exhibit "A" attached hereto and incorporated herein by reference and such other property that is not subject to the scope of Ordinance No. 2843-6-09 or other City ordinance that requires the Restrictive Covenant remain enforceable against such other property.

SECTION 2. This Resolution shall be in force and effect from and after its passage on the date shown below.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 10TH DAY OF OCTOBER 2017.

APPROVED:

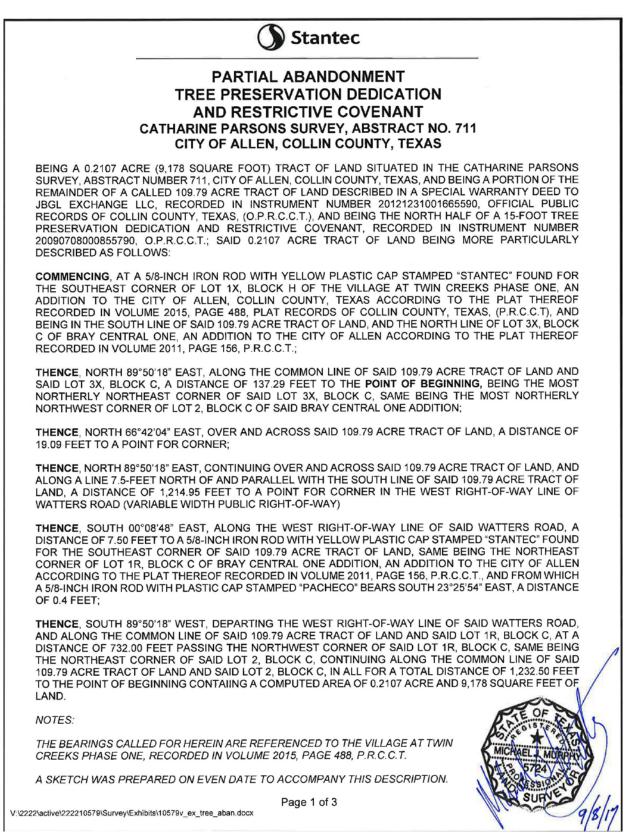
Stephen Terrell, MAYOR

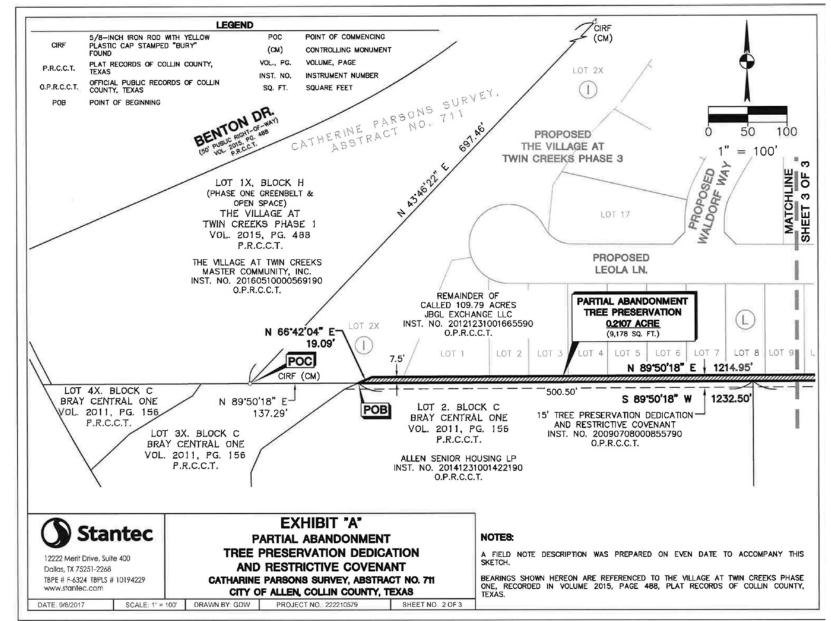
APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY (kbl:10/4/17:91333) Shelley B. George, CITY SECRETARY

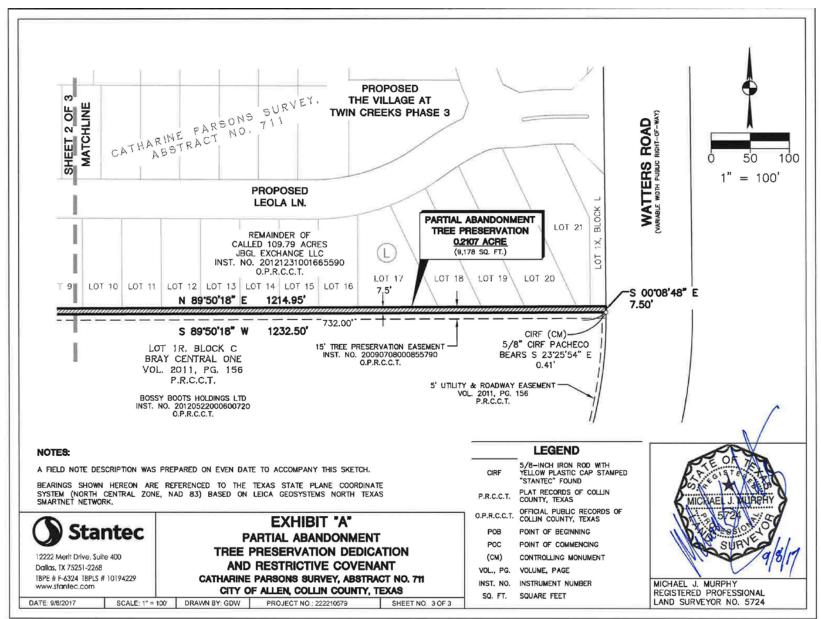
EXHIBIT A





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