

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



**PARTIAL ABANDONMENT
TREE PRESERVATION DEDICATION
AND RESTRICTIVE COVENANT
CATHARINE PARSONS SURVEY, ABSTRACT NO. 711
CITY OF ALLEN, COLLIN COUNTY, TEXAS**

BEING A 0.2107 ACRE (9,178 SQUARE FOOT) TRACT OF LAND SITUATED IN THE CATHARINE PARSONS SURVEY, ABSTRACT NUMBER 711, CITY OF ALLEN, COLLIN COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF A CALLED 109.79 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO JBGL EXCHANGE LLC, RECORDED IN INSTRUMENT NUMBER 20121231001665590, OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, (O.P.R.C.C.T.), AND BEING THE NORTH HALF OF A 15-FOOT TREE PRESERVATION DEDICATION AND RESTRICTIVE COVENANT, RECORDED IN INSTRUMENT NUMBER 20090708000855790, O.P.R.C.C.T.; SAID 0.2107 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING, AT A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" FOUND FOR THE SOUTHEAST CORNER OF LOT 1X, BLOCK H OF THE VILLAGE AT TWIN CREEKS PHASE ONE, AN ADDITION TO THE CITY OF ALLEN, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2015, PAGE 488, PLAT RECORDS OF COLLIN COUNTY, TEXAS, (P.R.C.C.T.), AND BEING IN THE SOUTH LINE OF SAID 109.79 ACRE TRACT OF LAND, AND THE NORTH LINE OF LOT 3X, BLOCK C OF BRAY CENTRAL ONE, AN ADDITION TO THE CITY OF ALLEN ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2011, PAGE 156, P.R.C.C.T.;

THENCE, NORTH 89°50'18" EAST, ALONG THE COMMON LINE OF SAID 109.79 ACRE TRACT OF LAND AND SAID LOT 3X, BLOCK C, A DISTANCE OF 137.29 FEET TO THE **POINT OF BEGINNING**, BEING THE MOST NORTHERLY NORTHEAST CORNER OF SAID LOT 3X, BLOCK C, SAME BEING THE MOST NORTHERLY NORTHWEST CORNER OF LOT 2, BLOCK C OF SAID BRAY CENTRAL ONE ADDITION;

THENCE, NORTH 66°42'04" EAST, OVER AND ACROSS SAID 109.79 ACRE TRACT OF LAND, A DISTANCE OF 19.09 FEET TO A POINT FOR CORNER;

THENCE, NORTH 89°50'18" EAST, CONTINUING OVER AND ACROSS SAID 109.79 ACRE TRACT OF LAND, AND ALONG A LINE 7.5-FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID 109.79 ACRE TRACT OF LAND, A DISTANCE OF 1,214.95 FEET TO A POINT FOR CORNER IN THE WEST RIGHT-OF-WAY LINE OF WATTERS ROAD (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

THENCE, SOUTH 00°08'48" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID WATTERS ROAD, A DISTANCE OF 7.50 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" FOUND FOR THE SOUTHEAST CORNER OF SAID 109.79 ACRE TRACT OF LAND, SAME BEING THE NORTHEAST CORNER OF LOT 1R, BLOCK C OF BRAY CENTRAL ONE ADDITION, AN ADDITION TO THE CITY OF ALLEN ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2011, PAGE 156, P.R.C.C.T., AND FROM WHICH A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "PACHECO" BEARS SOUTH 23°25'54" EAST, A DISTANCE OF 0.4 FEET;

THENCE, SOUTH 89°50'18" WEST, DEPARTING THE WEST RIGHT-OF-WAY LINE OF SAID WATTERS ROAD, AND ALONG THE COMMON LINE OF SAID 109.79 ACRE TRACT OF LAND AND SAID LOT 1R, BLOCK C, AT A DISTANCE OF 732.00 FEET PASSING THE NORTHWEST CORNER OF SAID LOT 1R, BLOCK C, SAME BEING THE NORTHEAST CORNER OF SAID LOT 2, BLOCK C, CONTINUING ALONG THE COMMON LINE OF SAID 109.79 ACRE TRACT OF LAND AND SAID LOT 2, BLOCK C, IN ALL FOR A TOTAL DISTANCE OF 1,232.50 FEET TO THE POINT OF BEGINNING CONTAINING A COMPUTED AREA OF 0.2107 ACRE AND 9,178 SQUARE FEET OF LAND.

NOTES:

THE BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE VILLAGE AT TWIN CREEKS PHASE ONE, RECORDED IN VOLUME 2015, PAGE 488, P.R.C.C.T.

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.





