

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, DECLARING A 10.62± ACRE TRACT OF LAND OUT OF THE WILLIAM SNYDER SURVEY, ABSTRACT NO. 821, COLLIN COUNTY, TEXAS, IDENTIFIED IN EXHIBIT “A” HERETO AND ADJACENT TO THE CITY AS BEING A PART OF THE CITY PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 41.003; MAKING CERTAIN FINDINGS IN SUPPORT OF SUCH DECLARATION; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about June 20, 1985, the City Council of the City of Allen, Texas, approved Ordinance No. 614-6-85 annexing property into the City of Allen’s corporate limits described only as the “High Point Estates Subdivision”; and,

WHEREAS, a recent review of City records indicates that the 10.62± acre tract of land out of the William Snyder Survey, Abstract No. 821, Collin County, Texas, located within the boundaries of the map set forth in Exhibit “A,” along with all adjacent street rights-of-way (collectively “the Property”) was not, at the time of the adoption of Ordinance No. 614-6-85 a portion of the High Point Estates Subdivision; and,

WHEREAS, a review of the City’s records relating to the adoption of Ordinance No. 614-6-85 indicates the Property was intended to be included within the area to be annexed by Ordinance No. 614-6-85; and,

WHEREAS, notwithstanding the failure to expressly describe the Property as part of the area annexed pursuant to Ordinance No. 614-6-85, the Property has been considered to be and has been treated as being located within the corporate limits of the City; and,

WHEREAS, pursuant to and as authorized by Texas Local Government Code Section 41.003, the City Council of the City of Allen, Texas, finds it to be in the public interest to declare the Property as being part of and located within the corporate limits of the City of Allen, Texas.

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

SECTION 1. The Property, the boundaries of which are depicted on the map set forth in Exhibit “A,” attached hereto, is hereby declared to be a part of and located within the corporate limits of the City of Allen, Texas.

SECTION 2. In support of the declaration made in Section 1 of this Ordinance, the City Council of the City of Allen, Texas, makes the following findings:

- A.** The records of the City indicate the Property has been a part of the City of Allen for more the twenty (20) years preceding the date of adoption of this Ordinance;
- B.** The City has provided City services, including police protection, to the Property and has otherwise treated the Property as being a part of the City for the twenty (20) years preceding the date of adoption of this Ordinance;
- C.** There has been no judicial determination during the twenty (20) years preceding the date of adoption of this Ordinance that the Property is located outside the boundaries of the City;
- D.** There is no pending lawsuit that challenges the inclusion of the Property as part of the City; and

E. The Property has been continuously treated as being a part of the City since June 20, 1985, the date of adoption of Ordinance No. 614-6-85.

SECTION 3. To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Allen governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Allen Land Development Code Zoning Regulations, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Allen Land Development Code Zoning Regulations, as amended hereby, which shall remain in full force and effect.

SECTION 5. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 13TH DAY OF AUGUST 2019.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

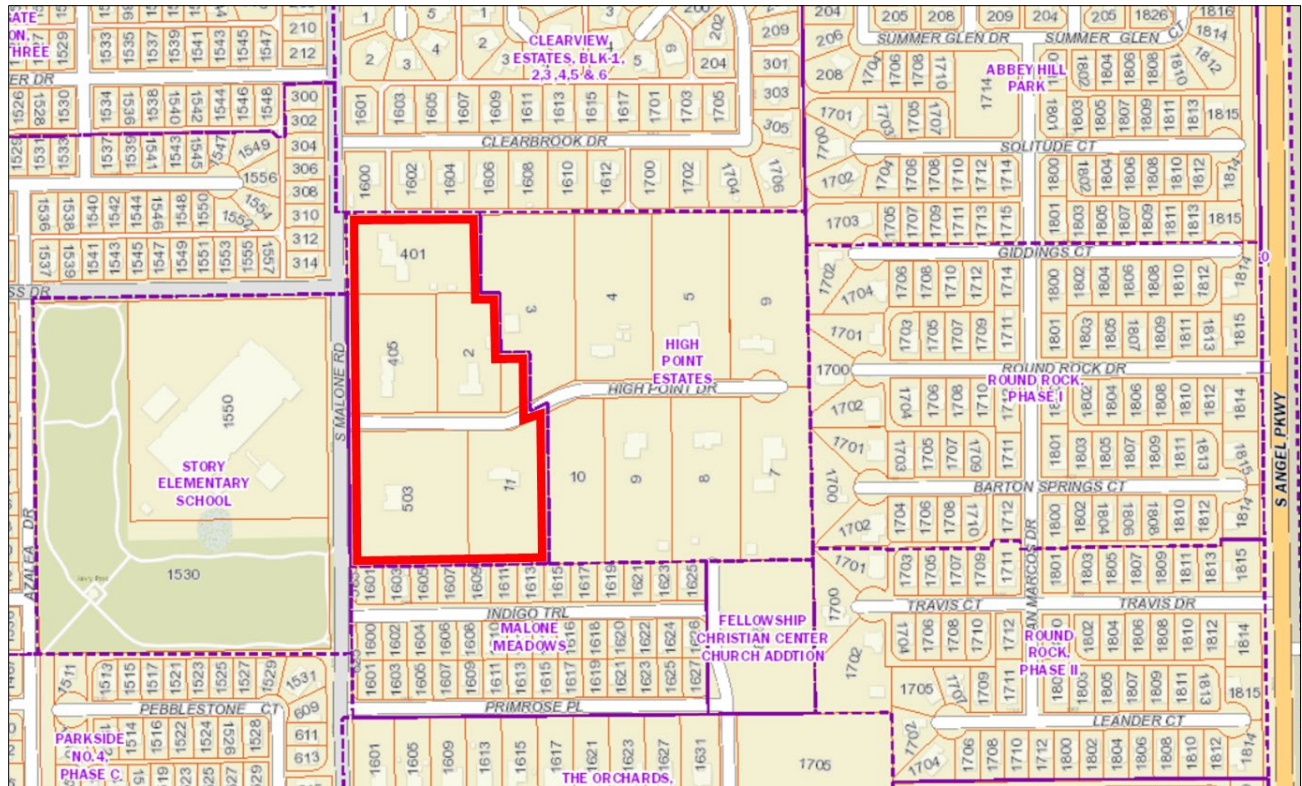
ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:8/6/19:109884)

Shelley B. George, TRMC, CITY SECRETARY

EXHIBIT “A”

The property shown within the boundaries of the map below are declared to be a part of and located within the corporate boundaries of the City of Allen, Collin County, Texas, pursuant to this Ordinance and include the parcels identified in this Exhibit A:



Parcel 1: 1.93 Acres out of the William Snider Survey, Abst. No. 821, City of Allen, Collin County, Texas, more particularly described in Warranty Deed with Vendor's Lien dated June 12, 2008, and recorded June 13, 2008, as Instrument No. 20080613000718700 in the Official Public Records, Collin County, Texas, and also known as 401 S. Malone Road.

Parcel 2: 1.885 Acres out of the William Snider Survey, Abst. No. 821, City of Allen, Collin County, Texas, and more particularly described in Corrected General Warranty Deed dated March 22, 2017, and recorded May 10, 2017, as Instrument No. 20170510000599750 in the Official Public Records, Collin County, Texas, and also known as 405 S. Malone Road.

Parcel 3: 1.2228 Acres out of the William Snider Survey, Abst. No. 821, City of Allen, Collin County, Texas, and more particularly described in Warranty Deed dated December 21, 1973, recorded January 7, 1974, in Volume 897, Page 645, Deed Records, Collin County, Texas, and in Warranty Deed dated April 4, 1974, and recorded April 10, 1974, in Volume. 909, Page 556, Deed Records, Collin County, Texas, and known as 2 Highpoint Drive.

Parcel 4: 0.229 Acres out of the William Snider Survey, Abst. No. 821, Collin County, Texas, and more particularly described in Special Warranty Deed dated November 8, 2003, and recorded November 10, 2003, in Volume 5542, Page 3485, Deed Records, Collin County, Texas.

Parcel 5: 2.86 Acres out of the William Snider Survey, Abst. No. 821 Collin County, Texas, and more particularly described in General Warranty Deed dated June 15, 1998, and recorded June 19, 1998, in Volume. 4190, Page 303, Deed Records, Collin County, Texas, and, known as 503 S. Malone Road.

Parcel 6: 1.8723 Acres out of the William Snider Survey, Abst. 821, Collin County, Texas, and more particularly described in an Executor's Special Warranty Deed dated May 24, 2016, and recorded June 1, 2016, as Instrument No. 20160601000679330 in the Official Public Records, Collin County, Texas, and known as 11 Highpoint Drive.

And including approximately 0.627 acres of public Right-of-Way known as Highpoint Drive.