

**ORDINANCE NO. 2016-09-070**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 197.109 ACRE PROPERTY, LOCATED APPROXIMATELY 445 FEET NORTH OF WILMETH ROAD, ON THE EAST SIDE OF HARDIN BOULEVARD, AND SOUTH OF COUNTY ROAD 164 (FUTURE BLOOMDALE ROAD), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**WHEREAS**, the City of McKinney has considered the rezoning of an approximately 197.109 acre property, located approximately 445 feet North of Wilmeth Road, on the East Side of Hardin Boulevard, and South of County Road 164 (Future Bloomdale Road), which is more fully depicted on Exhibits "A", "B", and "C" attached hereto, from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards; and,

**WHEREAS**, after due notice of the requested rezoning as required by law, and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of McKinney, Texas, the City Council is of the opinion that the change in zoning district should be made.

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

Section 1. The zoning map is hereby amended so that an approximately 197.109 acre property, located approximately 445 feet North of Wilmeth Road, on the East Side of Hardin Boulevard, and South of County Road 164 (Future Bloomdale Road), which is more fully depicted on Exhibits "A", "B", and "C" attached hereto, is rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards.

Section 2. Use and development of the subject property shall conform to the development standards listed below:

a. The subject property designated as "Tract 1," on Exhibit "B" shall follow the development regulations established in "PD" – Planned Development District Ordinance No. 2001-08-094, except as follows:

i. A maximum lot coverage shall not be required for single family residential uses.

b. The subject property designated as "Tracts 2, 3 and 4," on Exhibit "B" shall follow the development regulations established in "PD" – Planned Development District Ordinance No. 2002-06-069, except as follows:

i. A maximum lot coverage shall not be required for single family residential uses.

Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which

shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

- Section 4. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.
- Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The Ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.
- Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 6<sup>th</sup> DAY OF SEPTEMBER, 2016.**

CITY OF MCKINNEY, TEXAS

\_\_\_\_\_  
BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

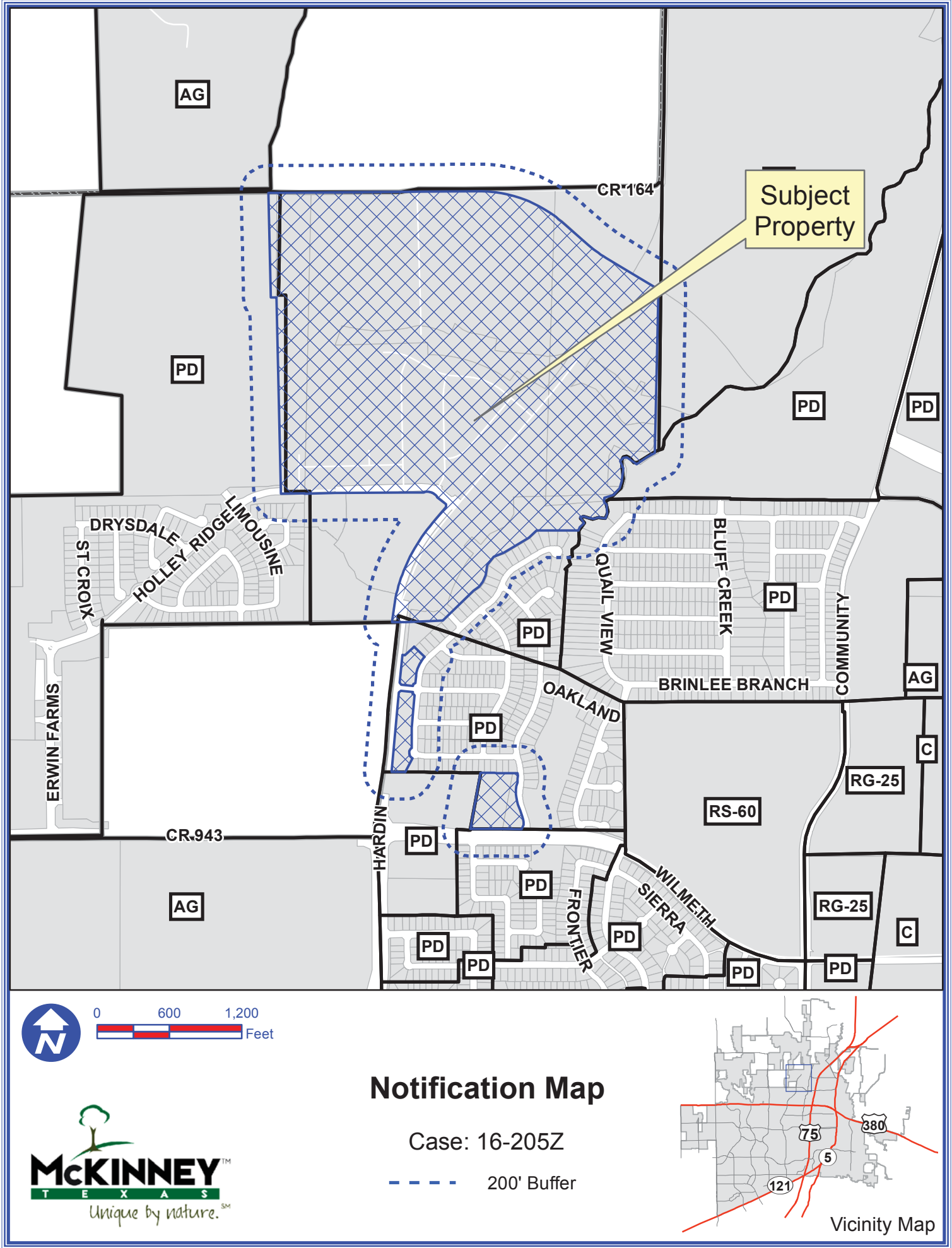
\_\_\_\_\_  
SANDY HART, TRMC, MMC  
City Secretary  
DENISE VICE, TRMC  
Assistant City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK S. HOUSER  
City Attorney

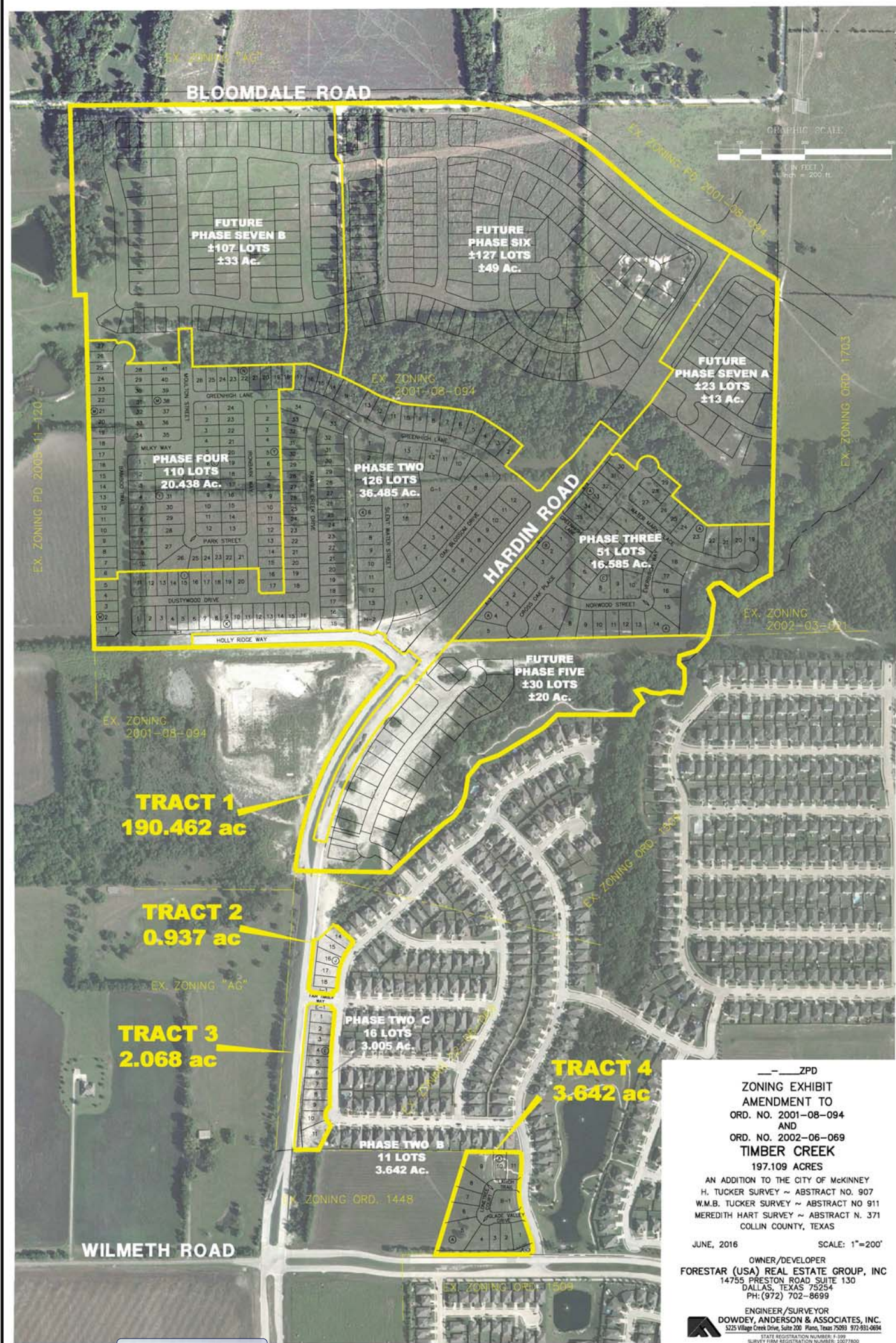
EXHIBIT A



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.



EXHIBIT B



— ZPD  
**ZONING EXHIBIT  
AMENDMENT TO  
ORD. NO. 2001-08-094  
AND  
ORD. NO. 2002-06-069  
TIMBER CREEK  
197.109 ACRES**  
AN ADDITION TO THE CITY OF MCKINNEY  
H. TUCKER SURVEY ~ ABSTRACT NO. 907  
W.M.B. TUCKER SURVEY ~ ABSTRACT NO. 911  
MEREDITH HART SURVEY ~ ABSTRACT N. 371  
COLLIN COUNTY, TEXAS

JUNE, 2016 SCALE: 1"=200'

OWNER/DEVELOPER  
**FORESTAR (USA) REAL ESTATE GROUP, INC**  
14755 PRESTON ROAD SUITE 130  
DALLAS, TEXAS 75254  
PH: (972) 702-8699

ENGINEER/SURVEYOR  
**DOWDEY, ANDERSON & ASSOCIATES, INC.**  
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694  
STATE REGISTRATION NUMBER: F-199  
SURVEY FIRM REGISTRATION NUMBER: 12071800

**RECEIVED**  
By Planning Department at 12:54 pm, Jun 27, 2016



# EXHIBIT C

**TRACT 1  
LEGAL DESCRIPTION  
190.462 ACRES  
PD 2001-08-094**

**BEING** a tract of land situated in the MEREDITH HART SURVEY, ABSTRACT NO. 371, WILLIAM V. RICE SURVEY, ABSTRACT NO. 769, H. TUCKER SURVEY, ABSTRACT NUMBER 907, and the WILLIAM B. TUCKER SURVEY, ABSTRACT NUMBER 911, Collin County, Texas, and being part of that tract of land conveyed to Timber Creek Properties, LLC, and described as Tract 1, according to the document filed of record under Document Number 20080904001073680, Official Public Records, Collin County, Texas, and being part of those Mititgation Areas conveyed to Timber Creek McKinney Homeowners Association, Inc., according to the document filed of record in Document Number 20080815000997840, and being all of TIMBER CREEK PHASE 2, an Addition to the City of McKinney, Collin County, Texas, according to the Plat filed of record in Cabinet 2016, Page 220, Map Records, Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at a 5/8 inch iron rod with a yellow plastic cap found in the south line of Holly Ridge Way, for the most northerly, northeast corner of that tract of land conveyed to McKinney Independent School District, according to the document filed of recorded in Volume 5714, Page 3756, Land Records, Collin County, Texas;

**THENCE** With said south line, the following four (4) courses and distances:

North 49° 48' 43" West, a distance of 83.64 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "HZ" found at the beginning of a curve to the left having a central angle of 41° 37' 46", a radius of 195.40 feet and a chord bearing and distance of North 70° 37' 36" West, 138.87 feet;

With said curve to the left, an arc distance of 141.97 feet to a 5/8 inch iron rod with a yellow plastic cap found for corner;

South 88° 33' 31" West, a distance of 725.00 feet to a 5/8 inch iron rod with a yellow plastic cap found for corner;

South 88° 28' 59" West, a distance of 256.45 feet to a 5/8 inch iron rod found for the northeast corner of Lot CAC-2, Block C of ERWIN FARMS PHASE 1, an Addition to the City of McKinney, Texas, according to the Plat filed of record in Cabinet 2015, Page 394, Map Records, Collin County, Texas, being common with the northwest corner of the above mentioned Timber Creek Properties, LLC tract, and described as Tract 3;

**THENCE** North 00° 22' 24" East, leaving the above mentioned south line, a distance of 2.10 feet to a point for corner;

**THENCE** South 89° 25' 09" West, a distance of 195.67 feet to a point for corner;

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**THENCE** North 01° 23' 55" West, a distance of 1,631.34 feet to a 1/2 inch iron rod found for an interior ell corner of the above mentioned Tract 1, being common with the most easterly, northeast corner of that tract of land conveyed to CTMGT Erwin Farms, LLC, according to the document filed of record in Document Number 20121210001567420, Deed Records, Collin County, Texas;

**THENCE** South 88° 42' 49" West, leaving said common corner, a distance of 49.98 feet to a 1/2 inch iron rod found for the most westerly, southwest corner of said Tract 1, being common with an interior ell corner of said CTMGT Erwin Farms, LLC tract;

**THENCE** North 01° 25' 46" West, leaving said common corner and with the west line of said Tract 1, being common with the east line of said CTMGT Erwin Farms, LLC tract, a distance of 871.56 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "HZ" found for the northwest corner of said Timber Creek Properties, LLC tract, being common with the northeast corner of said CTMGT Erwin Farms, LLC tract;

**THENCE** North 89° 32' 45" East, leaving said common corner and with the north line of said Timber Creek Properties, LLC tract, a distance of 1,243.28 feet to a cotton spindle found in said north line, being common with the south line of that tract of land conveyed to Mac TMK, LP, according to the document filed of record in Document Number 20060526000719840, Deed Records, Collin County, Texas;

**THENCE** North 89° 15' 44" East, continuing with said common line, a distance of 505.08 feet to a 5/8 inch iron rod found for the west corner of that tract of land conveyed to Rene Bates, according to the document filed of record in Document Number 19991222001532920, Deed Records, Texas, being at the beginning of a curve to the right having a central angle of 41° 41' 30", a radius of 1,050.41 feet and a chord bearing and distance of South 69° 53' 44" East, 747.58 feet;

**THENCE** With said curve to the right, an arc distance of 764.33 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "HZ" found in the above mentioned north line, being common with the south line of that tract of land conveyed to Borneo 6SJ, according to the document filed of record in Document Number 19950814000581220, Deed Records, Collin County, Texas;

**THENCE** South 49° 01' 52" East, with said common line, a distance of 294.49 feet to a 5/8 inch iron rod found at the beginning of a to the left having a central angle of 10° 00' 01", a radius of 1,049.84 feet and a chord bearing and distance of South 54° 01' 52" East, 183.00 feet;

**THENCE** With said curve to the left and said common line, an arc distance of 183.24 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "HZ" found for corner;

**THENCE** South 59° 02' 28" East, with the above mentioned north line, a distance of 508.66 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "HZ" found for the northeast corner of the above mentioned Tract 1, being common with that tract of land conveyed to Rene & Sheryl Bates, according to the document filed of record in Document Number 20091231001556770, Deed Records, Collin County, Texas, being the most westerly, southwest corner of that tract of land conveyed to Bloomdale 140, LP, according to the document filed of record in Document Number 20140926001050260, Deed Records, Collin County, Texas, and being the northwest corner of that

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tract of land conveyed to RHI Properties, LTD, according to the document filed of record in Document Number 20050128054, Deed Records, Collin County, Texas;

**THENCE** South 01° 16' 49" West, leaving said common corner, and with the east line of said Tract 1, a distance of 1,356.92 feet to a point in the approximate centerline of a creek, for the most easterly, southeast corner of the above mentioned Timber Creek mckinney Homeowners Association, Inc. Tract, and described as Mitigation Area 7;

**THENCE** With the approximate centerline of said creek, the following twenty-three (23) courses and distances:

South 62° 07' 08" West, a distance of 73.13 feet to a point for corner;

South 54° 35' 19" West, a distance of 106.04 feet to a point for corner;

North 54° 05' 30" West, a distance of 99.37 feet to a point for corner;

South 80° 22' 44" West, a distance of 31.00 feet to a point for corner;

South 46° 28' 09" West, a distance of 35.96 feet to a point for corner;

South 22° 07' 12" East, a distance of 67.00 feet to a point for corner;

South 06° 57' 07" West, a distance of 107.85 feet to a point for corner;

South 15° 04' 06" West, a distance of 58.30 feet to a point for corner;

South 41° 55' 13" West, a distance of 77.97 feet to a point for corner;

South 72° 54' 30" West, a distance of 81.64 feet to a point for corner;

South 04° 48' 46" West, a distance of 33.82 feet to a point for corner;

South 43° 38' 44" East, a distance of 37.00 feet to a point for corner;

South 01° 23' 41" East, a distance of 71.04 feet to a point for corner;

South 18° 40' 44" West, a distance of 40.25 feet to a point for corner;

North 84° 57' 45" West, a distance of 64.87 feet to a point for corner;

South 73° 38' 32" West, a distance of 35.24 feet to a point for corner;

North 82° 56' 21" West, a distance of 43.22 feet to a point for corner;

North 67° 38' 59" West, a distance of 41.51 feet to a point for corner;

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South 74° 51' 28" West, a distance of 32.71 feet to a point for corner;

South 34° 49' 53" East, a distance of 35.11 feet to a point for corner;

South 28° 36' 46" East, a distance of 24.67 feet to a point for corner;

South 47° 48' 04" West, a distance of 45.84 feet to a point for corner;

South 20° 38' 06" West, a distance of 30.22 feet to a point for corner in the north line of TIMBER CREEK PHASE 1, an Addition to the City of mckinney, Collin County, Texas, according to the Plat filed of record in Cabinet P, Page 714, Map Records, Collin County, Texas, being common with the south line of the above mentioned Timber Creek mckinney Homeowners Association, Inc. Tract, and described as Mitigation Area 4;

**THENCE** Leaving the above mentioned approximate centerline of said creek, and with said common line, the following ten (10) courses and distances:

North 89° 55' 37" West, a distance of 349.76 feet to a point for corner;

South 46° 04' 14" West, a distance of 86.68 feet to a point for corner;

South 58° 34' 31" West, a distance of 243.72 feet to a point for corner;

South 70° 02' 13" West, a distance of 91.24 feet to a point for corner;

South 39° 11' 00" West, a distance of 86.17 feet to a point for corner;

South 08° 39' 03" West, a distance of 88.89 feet to a point for corner;

South 21° 17' 39" West, a distance of 60.36 feet to a point for corner;

South 36° 55' 32" West, a distance of 50.12 feet to a point for corner;

South 55° 38' 01" West, a distance of 59.20 feet to a point for corner;

South 47° 12' 07" West, a distance of 328.72 feet to a point in the northwest line of Lot 8, Block J of the above mentioned Addition, for the east corner of the above mentioned Timber Creek mckinney Homeowners Association, Inc. Tract, and described as Mitigation Area 3;

**THENCE** North 89° 05' 32" West, leaving said northwest line, a distance of 440.86 feet to a 5/8 inch iron rod with a yellow plastic cap found in the west line of Hardin Boulevard, a variable width right-of-way, at the beginning of a non-tangent curve to the right having a central angle of 34° 02' 30", a radius of 1,488.97 feet and a chord bearing and distance of North 23° 10' 48" East, 871.70 feet;



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**THENCE** With said curve to the right, an arc distance of 884.66 feet to a point found in said west line, being common with the east line of the above mentioned mckinney Independent School District tract;

**THENCE** North 40° 11' 17" East, with said common line, a distance of 163.68 feet to a 5/8 inch iron rod with a yellow plastic cap found for the south end of a corner clip;

**THENCE** North 04° 48' 43" West, with said corner clip, a distance of 21.21 feet to the **POINT OF BEGINNING** and containing 190.462 acres of land, more or less.

## EXHIBIT C

**TRACT 2  
LEGAL DESCRIPTION  
0.937 ACRES  
PD 02-06-069**

WHEREAS, TIMBER CREEK PROPERTIES, LLC, IS THE OWNER OF A TRACT OF LAND SITUATED IN THE WILLIAM B. TUCKER SURVEY, ABSTRACT NO. 911, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS AND BEING PART OF THAT TRACT OF LAND CONVEYED TO TIMBER CREEK PROPERTIES, LLC, ACCORDING TO THE DOCUMENT FILED OF RECORD IN DOCUMENT NO. 20080904001073680, DEED RECORDS, COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "HUITT ZOLLARS" FOUND FOR THE SOUTHWEST CORNER OF LOT 12, BLOCK E OF TIMBER CREEK, PHASE I, AN ADDITION TO THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT FILED OF RECORD IN CABINET P, PAGE 713, MAP RECORDS, COLLIN COUNTY, TEXAS, SAID CORNER BEING LOCATED IN THE NORTH LINE OF THAT TRACT OF LAND CONVEYED TO WILLMETH 337 VENTURE, LTD, ACCORDING TO THE DOCUMENT FILED OF RECORD IN VOLUME 4675, PAGE 1966, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS;

THENCE NORTH 89 DEGREES 20 MINUTES 30 SECONDS WEST, A DISTANCE OF 113.88 FEET TO A 1/2 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "DAA" SET FOR CORNER IN THE EAST LINE OF HARDIN BOULEVARD, A 60 FOOT RIGHT-OF-WAY;

THENCE NORTH 05 DEGREES 13 MINUTES 40 SECONDS EAST, WITH SAID EAST LINE, A DISTANCE OF 660.72 FEET TO A 1/2 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "DAA" SET FOR CORNER AT THE SOUTH END OF A CORNER CLIP;

THENCE NORTH 50 DEGREES 13 MINUTES 40 SECONDS EAST, WITH SAID CORNER CLIP, A DISTANCE OF 21.21 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP FOUND FOR CORNER IN THE SOUTH LINE OF FAIR TIMBER WAY, A 50 FOOT RIGHT-OF-WAY, SAID POINT BEING THE NORTH END OF SAID CORNER CLIP;

THENCE SOUTH 84 DEGREES 46 MINUTES 20 SECONDS EAST, WITH SAID SOUTH LINE, A DISTANCE OF 99.61 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP FOUND FOR CORNER IN THE WEST LINE OF THE ABOVE MENTIONED ADDITION;

THENCE SOUTH 05 DEGREES 36 MINUTES 34 SECONDS WEST, LEAVING SAID SOUTH LINE AND WITH SAID WEST LINE, A DISTANCE OF 14.98 FEET TO A 1/2 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "DAA" SET FOR CORNER;

THENCE SOUTH 84 DEGREES 46 MINUTES 20 SECONDS EAST, CONTINUING WITH SAID WEST LINE, A DISTANCE OF 5.50 FEET TO A 1/2 INCH IRON ROD WITH A

## EXHIBIT C

YELLOW PLASTIC CAP STAMPED "DAA" SET FOR CORNER AT THE NORTH END OF A CORNER CLIP;

THENCE SOUTH 39 DEGREES 46 MINUTES 20 SECONDS EAST, WITH SAID CORNER CLIP, A DISTANCE OF 14.14 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP FOUND FOR CORNER IN THE WEST LINE OF HICKORY BEND TRAIL, A 50 FOOT RIGHT-OF-WAY, FOR THE SOUTH END OF SAID CORNER CLIP;

THENCE SOUTHERLY, WITH SAID WEST LINE THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

SOUTH 05 DEGREES 13 MINUTES 40 SECONDS WEST, A DISTANCE OF 152.28 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP FOUND FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 04 DEGREES 33 MINUTES 39 SECONDS, A RADIUS OF 2,000.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 02 DEGREES 56 MINUTES 50 SECONDS WEST, 159.16 FEET;

SOUTHERLY, WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 159.21 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP FOUND FOR CORNER;

SOUTH 00 DEGREES 40 MINUTES 01 SECONDS WEST, A DISTANCE OF 127.46 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP FOUND FOR CORNER AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 115 DEGREES 31 MINUTES 59 SECONDS, A RADIUS OF 50.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 05 DEGREES 08 MINUTES 28 SECONDS EAST, 84.59 FEET;

SOUTHERLY, WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 100.82 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP FOUND FOR THE NORTHWEST CORNER OF THE ABOVE MENTIONED LOT 12;

THENCE SOUTH 27 DEGREES 05 MINUTES 33 SECONDS WEST, LEAVING SAID WEST LINE AND WITH THE WEST LINE OF SAID LOT 12, A DISTANCE OF 129.39 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.068 ACRES OF LAND, MORE OR LESS.

## EXHIBIT C

**TRACT 3  
LEGAL DESCRIPTION  
2.068 ACRES  
PD 02-06-069**

WHEREAS, TIMBER CREEK PROPERTIES, LLC, IS THE OWNER OF A TRACT OF LAND SITUATED IN THE WILLIAM B. TUCKER SURVEY, ABSTRACT NO. 911, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS AND BEING PART OF THAT TRACT OF LAND CONVEYED TO TIMBER CREEK PROPERTIES, LLC, ACCORDING TO THE DOCUMENT FILED OF RECORD IN DOCUMENT NO. 20080904001073680, DEED RECORDS, COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP FOUND IN THE NORTH LINE OF FAIR TIMBER WAY, A 50 FOOT RIGHT-OF-WAY, FOR THE SOUTH END OF A CORNER CLIP;

THENCE NORTH 39 DEGREES 17 MINUTES 58 SECONDS WEST, LEAVING SAID NORTH LINE AND WITH SAID CORNER CLIP, A DISTANCE OF 21.04 FEET TO A 1/2 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "DAA" SET FOR CORNER IN THE EAST LINE OF HARDIN BOULEVARD, A 60 FOOT RIGHT-OF-WAY, FOR THE NORTH END OF SAID CORNER CLIP;

THENCE NORTH 06 DEGREES 10 MINUTES 24 SECONDS EAST, WITH SAID EAST LINE, A DISTANCE OF 231.91 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP FOUND FOR CORNER;

THENCE SOUTH 83 DEGREES 49 MINUTES 36 SECONDS EAST, LEAVING SAID EAST LINE, A DISTANCE OF 20.00 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP FOUND FOR CORNER;

THENCE NORTH 47 DEGREES 11 MINUTES 44 SECONDS EAST, A DISTANCE OF 103.00 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "HUITT ZOLLARS" FOUND FOR THE WEST CORNER OF LOT 13, BLOCK J OF TIMBER CREEK, PHASE I, AN ADDITION TO THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET P, PAGE 713, MAP RECORDS, COLLIN COUNTY, TEXAS;

THENCE SOUTH 47 DEGREES 04 MINUTES 57 SECONDS EAST, WITH THE SOUTHERLY LINE OF SAID LOT 13, A DISTANCE OF 121.10 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "HUITT ZOLLARS" FOUND FOR CORNER IN THE WEST LINE OF HICKORY BEND TRAIL, A 50 FOOT RIGHT-OF-WAY, SAID POINT BEING AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 36 DEGREES 44 MINUTES 39 SECONDS, A RADIUS OF 275.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 24 DEGREES 32 MINUTES 44 SECONDS WEST, 173.35 FEET;



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THENCE SOUTHWESTERLY, WITH SAID WEST LINE AND SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 176.36 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "HUITT ZOLLARS" FOUND FOR CORNER;

THENCE SOUTH 06 DEGREES 10 MINUTES 24 SECONDS WEST, A DISTANCE OF 60.49 FEET TO A 1/2 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "DAA" SET FOR THE NORTH END OF A CORNER CLIP;

THENCE SOUTH 50 DEGREES 42 MINUTES 02 SECONDS WEST, WITH SAID CORNER CLIP, A DISTANCE OF 14.26 FEET TO A 1/2 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "DAA" SET FOR THE SOUTH END OF SAID CORNER CLIP;

THENCE NORTH 84 DEGREES 46 MINUTES 20 SECONDS WEST, A DISTANCE OF 5.28 FEET TO A 1/2 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "DAA" SET FOR CORNER;

THENCE SOUTH 05 DEGREES 41 MINUTES 21 SECONDS WEST, A DISTANCE OF 15.02 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP FOUND FOR CORNER IN THE ABOVE MENTIONED NORTH LINE OF FAIR TIMBER WAY;

THENCE NORTH 84 DEGREES 46 MINUTES 20 SECONDS WEST, WITH SAID NORTH LINE, A DISTANCE OF 99.88 FEET TO THE POINT OF BEGINNING AND CONTAINING 40,803 SQUARE FEET OR 0.937 ACRES OF LAND, MORE OR LESS.

## EXHIBIT C

**TRACT 4  
LEGAL DESCRIPTION  
3.642 ACRES  
PD 02-06-069**

WHERE AS TIMBER CREEK PROPERTIES, L.L.C. IS THE OWNER IF A 3.642 ACRE TRACT OF LAND SITUATED IN THE WILLIAM B. TUCKER SURVEY, ABSTRACT NO. 572, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AND BEING ALL OF A CALLED 3.642 ACRE TRACT OF LAND CONVEYED AS TRACT 2, TO TIMBER CREEK PROPERTIES, L.L.C., BY DEED RECORDED IN COUNTY CLERK'S FILE NO.20070418000524290, LAND RECORDS, COLLIN COUNTY, TEXAS. SAID 3.642 ACRE TRACT, WITH REFERENCE BEARING FOR THIS PLAT IS GRID NORTH STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE NAD83, DERIVED FROM CITY OF MCKINNEY CONTROL NETWORK MONUMENTS 28 AND 29, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN "X" CUT ON THE TOP OF A WALL FOUND FOR THE SOUTHWEST CORNER OF SAID 3.642 ACRE TRACT, BEING ON THE EAST LINE OF LINE OF A CALLED 19.4000 ACRE TRACT OF LAND CONVEYED TO WILMETH 337 VENTURE, LTD, BY DEED RECORDED IN VOLUME 4675, PAGE 1956, LAND RECORDS, COLLIN COUNTY, TEXAS, AND BEING ON THE NORTH RIGHT-OF-WAY LINE OF WILMETH ROAD, (A VARIABLE WIDTH RIGHT-OF-WAY), RECORDED IN THE SAME AS TIMBER CREEK, PHASE 1, AN ADDITION TO THE CITY OF MCKINNEY IN CABINET P, PAGE 713, PLAT RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 16 DEGREES 57 MINUTES 29 SECONDS EAST, ALONG THE WEST LINE OF SAID 3.642 ACRE TRACT, AND THE COMMON EAST LINE OF SAID 19.4000 ACRE TRACT, A DISTANCE OF 496.94 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE NORTHWEST CORNER OF SAID 3.642 ACRE TRACT, AND THE COMMON NORTHEAST CORNER OF SAID 19.4000 ACRE TRACT, SAID POINT BEING ON THE SOUTH LINE OF SAID TIMBER CREEK, PHASE 1;

THENCE, SOUTH 89 DEGREES 19 MINUTES 59 SECONDS EAST, ALONG THE NORTH LINE OF SAID 3.642 ACRE TRACT, AND A COMMON SOUTH LINE OF SAID TIMBER CREEK, PHASE 1, PASSING AT A DISTANCE OF 23.96 FEET A 5/8 INCH IRON ROD FOUND FOR WITNESS, AND CONTINUING A TOTAL DISTANCE OF 249.77 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR NORTHEAST CORNER OF SAID 3.642 ACRE TRACT, AND THE COMMON WEST RIGHT-OF-WAY LINE OF TIMBER RIDGE TRAIL, (A 50 FOOT RIGHT-OF-WAY) RECORDING INFORMATION BEING THE SAME AS SAID TIMBER CREEK, PHASE 1, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 13 DEGREES 14 MINUTES 40 SECONDS, A RADIUS OF 575.00 FEET, A CHORD BEARING OF SOUTH 02 DEGREES 13 MINUTES 29 SECONDS WEST, WITH A CHORD LENGTH OF 132.62 FEET;

## EXHIBIT C

THENCE, ALONG THE EAST LINE OF SAID 3.642 TRACT, AND THE COMMON WEST RIGHT-OF-WAY LINE OF SAID TIMBER RIDGE TRAIL, THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 132.92 FEET, TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER, AND THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 27 DEGREES 50 MINUTES 51 SECONDS, A RADIUS OF 325.00 FEET, A CHORD BEARING OF SOUTH 05 DEGREES 04 MINUTES 36 SECONDS EAST, WITH A CHORD LENGTH OF 156.41 FEET;

ALONG SAID REVERSE CURVE TO THE LEFT AN ARC LENGTH OF 157.96 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER;

SOUTH 19 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 105.39 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER, AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 17 DEGREES 44 MINUTES 36 SECONDS, A RADIUS OF 225.00 FEET, A CHORD BEARING OF SOUTH 10 DEGREES 07 MINUTES 42 SECONDS EAST, WITH A CHORD LENGTH OF 69.40 FEET;

ALONG SAID TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 69.68 FEET TO A 5/8 INCH IRON ROD WITH A CAP STAMPED "HUITT/ZOLLARS" FOUND FOR CORNER AT THE INTERSECTION OF SAID TIMBER RIDGE TRAIL AND AFORESAID WILMETH ROAD NORTH CORNER CLIP;

SOUTH 45 DEGREES 15 MINUTES 14 SECONDS WEST, A DISTANCE OF 21.36 FEET TO A 5/8 INCH IRON ROD WITH A CAP STAMPED "HUITT/ZOLLARS" FOUND FOR CORNER AT THE INTERSECTION OF SAID TIMBER RIDGE TRAIL AND SAID WILMET ROSD SOUTH CORNER CLIP, SAID POINT BEING ON THE SOUTH LINE OF SAID 3.642 ACRE TRACT, AND THE COMMON NORTH RIGHT-OF-WAY LINE OF AFORESAID WILMETH ROAD;

THENCE, SOUTH 89 DEGREES 51 MINUTES 15 SECONDS WEST, ALONG SAID COMMON LINE, A DISTANCE OF 434.74 FEET TO THE POINT OF BEGINNING, AND CONTAINING 3.642 ACRES OF LAND, MORE OR LESS.