

5689 00681

2004- 0087131

CAUSE NO. 199-00878-03

IN RE:

COLLIN COUNTY, TEXAS,
CELINA, TEXAS, MCKINNEY,
TEXAS, PROSPER, TEXAS and
WESTON, TEXAS

§
§
§
§
§
§

IN THE DISTRICT COURT OF
COLLIN COUNTY, TEXAS
199TH JUDICIAL DISTRICT

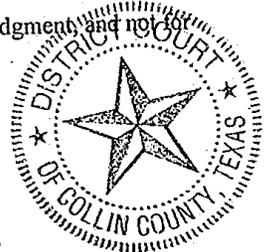
DECLARATORY JUDGMENT

ON THIS DATE came on to be heard the petition of the Plaintiff, Collin County, Texas, for Declaratory Judgment with regard to the common boundaries of the municipalities of Celina, McKinney, Prosper, and Weston, Texas. The Court, upon reviewing the petition, and the other pleadings on file, is of the opinion it has jurisdiction of the matter as all parties before the Court.

The Court finds that a public purpose is served in municipal and county planning for growth and future development. An integral element of planning is the identification of the land area under the control of each jurisdiction. All municipal parties to this action have prepared and approved interlocal agreements pursuant to Section 43.031 of the Local Government Code, Texas Revised Civil Statutes, to make mutually agreeable changes in their boundaries and, pursuant to Chapter 791, Texas Government Code, municipal parties to this action have entered into written interlocal agreements relating to future provision of governmental functions and services.

The Court finds the parties have agreed to this judgment.

The Court, upon considering the benefits to each municipality, and to Collin County, for direction and clarity as to the growth and expansion of the municipalities within this judgment, and noting that the request of the municipalities for the approval of this judgment, and not for

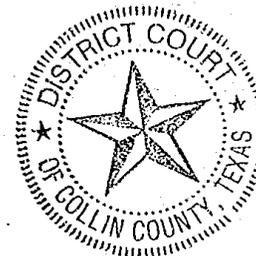


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any conformation or review of the municipalities current city limits, extra territorial jurisdictions, or other matters, finds and issues judgment of the Court as follows:

IT IS THEREFORE ORDERED THAT:

1. The boundaries map attached hereto as Exhibit "A", which depicts common and/or mutual boundary lines for the cities of McKinney, Celina and Weston and the Town of Prosper (the "Cities") is a depiction of the common and/or mutual boundaries of the Cities.
2.
 - a) Exhibit "B", attached hereto, is approved as the ultimate mutual boundary line between the City of McKinney and the City of Weston;
 - b) Exhibit "C", attached hereto, is approved as the ultimate mutual boundary line between the City of McKinney and the City of Celina;
 - c) Exhibit "D", attached hereto, is approved as the ultimate mutual boundary line between the City of Celina and the City of Weston;
 - d) Exhibit "E", attached hereto, is approved as the mutual boundary line between the City of Celina and the Town of Prosper in Collin County, Texas; and
 - e) Exhibit "F", attached hereto, is approved as the mutual boundary line between the City of McKinney and the Town of Prosper.
3. Costs are to be paid by the party incurring same.
4. All other relief not expressly granted in this judgment is hereby denied. This is a final and appealable judgment.



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SIGNED on the 20 day of April, 2004.



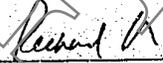
JUDGE PRESIDING

APPROVED AS TO FORM:

James E. Shepherd
Attorney for Collin County, Texas

Mark Houser
Attorney for City of McKinney, Texas

Lance Vanzant
Attorney for City of Celina, Texas



Richard M. Abernathy
Attorney for Town of Prosper, Texas

Bryn Meredith
Attorney for City of Weston, Texas

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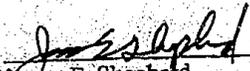
ABERNATHY ROEDER ET AL

008/006

SIGNED on the _____ day of April, 2004.

JUDGE PRESIDING

APPROVED AS TO FORM:


James E. Shepherd
Attorney for Collin County, Texas

Mark Houser
Attorney for City of McKinney, Texas

Lance Vanzant
Attorney for City of Celina, Texas

Richard M. Abernathy
Attorney for Town of Prosper, Texas

Bryn Meredith
Attorney for City of Weston, Texas

DECLARATORY JUDGMENT - Page 3
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HAYES COFFEY & BERRY
ABERNATHY ROEDER ET AL

PAGE 02/02
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SIGNED on the _____ day of April, 2004.

JUDGE PRESIDING

APPROVED AS TO FORM:

James E. Shepherd
Attorney for Collin County, Texas

Mark Houser
Attorney for City of McKinney, Texas

Lance Vanzant
Attorney for City of Celina, Texas

Richard M. Abernathy
Attorney for Town of Prosper, Texas

Bryn Meredith
Attorney for City of Weston, Texas

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APR-19-2004 MON 11:13 AM TAYLOR OLSON ADKINS
04/16/04 17:31 FAX 21484440

FAX NO. 817 332 4740
ABERNATHY BORDER ET AL

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SIGNED on the _____ day of April, 2004.

JUDGE PRESIDING

APPROVED AS TO FORM:

James B. Shepherd
Attorney for Collin County, Texas

Mark Houser
Attorney for City of McKinney, Texas

Lance Vanzant
Attorney for City of Celina, Texas

Richard M. Abernathy
Attorney for Town of Prosper, Texas

Fritz Quarts for

Bryn Meredith
Attorney for City of Weston, Texas

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SIGNED on the _____ day of April, 2004.

JUDGE PRESIDING

APPROVED AS TO FORM:

James E. Shepherd
Attorney for Collin County, Texas

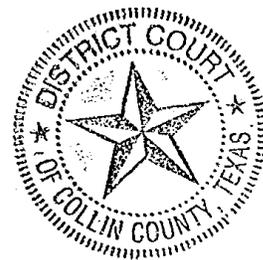
by Gordon R. Michel

Mark Houser
Attorney for City of McKinney, Texas

Lance Vanzant
Attorney for City of Celina, Texas

Richard M. Abernathy
Attorney for Town of Prosper, Texas

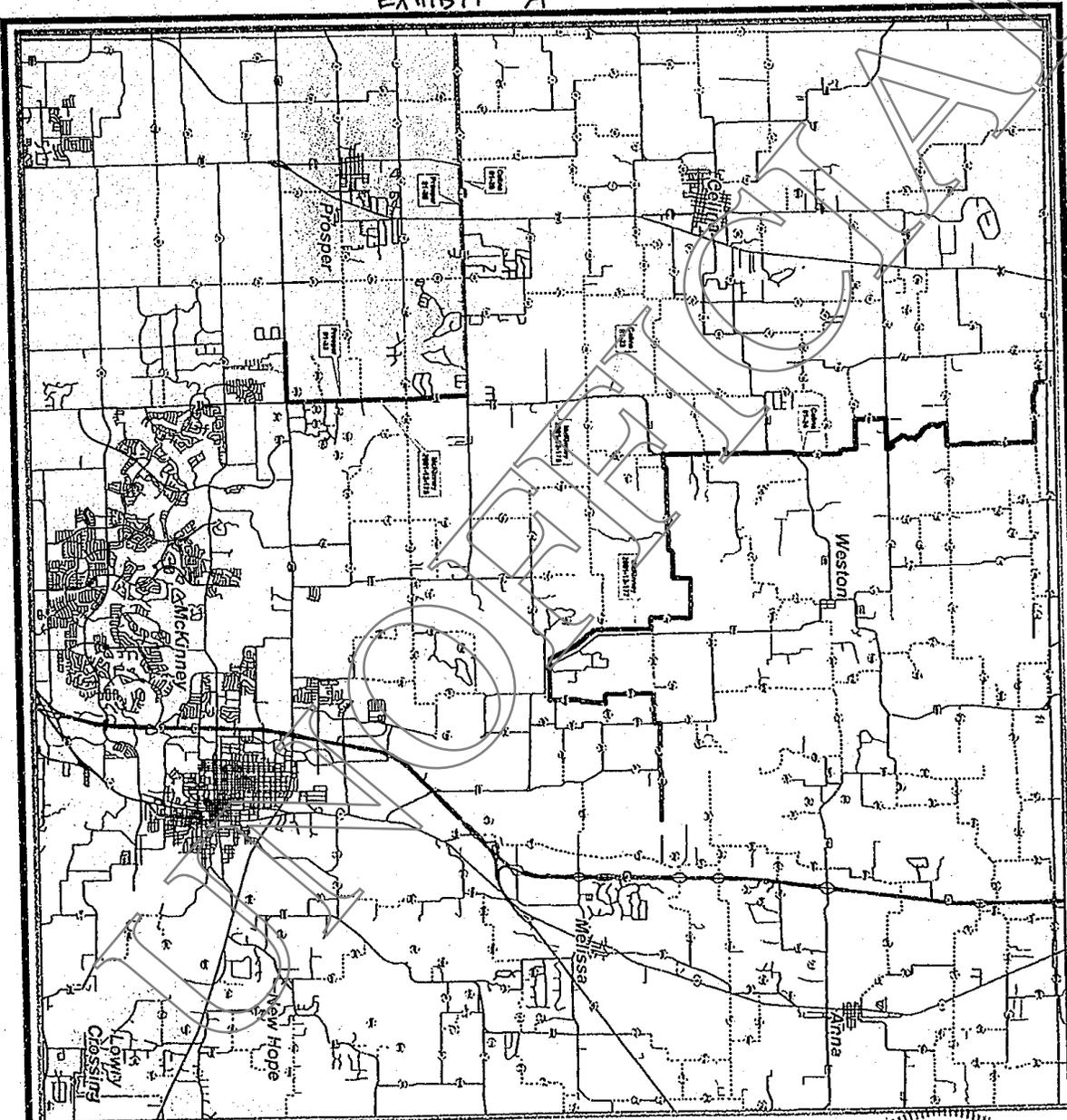
Bryn Meredith
Attorney for City of Weston, Texas



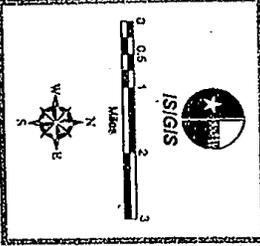
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EXHIBIT A



THIS MAP WAS PREPARED BY THE DISTRICT COURT OF COLUMBIA, DISTRICT OF COLUMBIA, FOR THE PURPOSE OF RECORDING THE BOUNDARIES OF THE MUTUAL SAVINGS BANK OF WASHINGTON, INC. AND ITS SUCCESSORS. THE BOUNDARIES SHOWN ON THIS MAP WERE DETERMINED BY THE DISTRICT COURT OF COLUMBIA, DISTRICT OF COLUMBIA, IN A DECISION RENDERED ON APRIL 15, 1994. THE BOUNDARIES SHOWN ON THIS MAP ARE SUBJECT TO THE DECISION OF THE DISTRICT COURT OF COLUMBIA, DISTRICT OF COLUMBIA, IN A DECISION RENDERED ON APRIL 15, 1994. THE BOUNDARIES SHOWN ON THIS MAP ARE SUBJECT TO THE DECISION OF THE DISTRICT COURT OF COLUMBIA, DISTRICT OF COLUMBIA, IN A DECISION RENDERED ON APRIL 15, 1994.



- Contour
- Canal
- Centerline
- Clearing
- Creek
- Dam
- Ditch
- Embankment
- Easement
- Electric Line
- Gas Line
- High Way
- Interstate
- Local Road
- Major Road
- Minor Road
- Pipeline
- Railroad
- Right of Way
- Shoreline
- Street
- Trench
- Utility Line
- Water
- Well
- Wetland
- Wooded Area

Ultimate Mutual
Boundaries
Callie McKinney
Prosper and Weston
Case No. 199-00879-03
DISTRICT COURT OF COLUMBIA

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EXHIBIT B

McKinney - Weston

BEGINNING at the intersection of the west right-of-way line of F.M. Highway 2478 with the extended south right-of-way line of County Road 170;

THENCE in an easterly direction crossing F.M. Highway 2478 and continuing along the south right-of-way line of County Road 170 an approximate distance of 21,400 feet to the intersection of the south right-of-way line of said County Road 170 with the west corporate boundary line for the City of Weston, said point being a distance of 500 feet west of the centerline of F.M. Highway 543;

THENCE in a southerly direction along a line parallel to and 500 feet west of the centerline of F.M. Highway 543 an approximate distance of 9900 feet to the most southwesterly corner of the corporate boundary line for the City of Weston, said point being 500 feet west of the centerline of said F.M. Highway 543 and 500 feet north of the north right-of-way line of County Road 168;

THENCE in an easterly direction along a line 500 feet north of and parallel to the north right-of-way line of County Road 168, F.M. Highway 543 and County Road 203, respectively, for an approximate distance of 3600 feet to a point on the west right-of-way line of the north-south portion of said County Road 203;

THENCE in a northerly direction along the west right-of-way line of County Road 203 an approximate distance of 4800 feet to the intersection of the west right-of-way line of said County Road 203 with the south right-of-way line of County Road 204;

THENCE in a westerly and northerly direction along the south and west right-of-way line of County Road 204 an approximate distance of 5000 feet to the intersection of the projected west right-of-way line of said County Road 204 with the north right-of-way line of County Road 205;

THENCE in an easterly direction along the north right-of-way line of County Road 205 an approximate distance of 2600 feet to the intersection of the north right-of-way line of said County Road 205 with the west right-of-way line of County Road 206;

THENCE in a northerly direction along the west right-of-way line of County Road 206 an approximate distance of 500 feet to the intersection of the west right-of-way line of said County Road 206 with the projected north right-of-way line of County Road 281;

THENCE in an easterly direction along the north right-of-way line of County Road 281 an approximate distance of 4200 feet to the intersection of the north right-of-way line of said County Road 281 with the north right-of-way line of County Road 282;

THENCE in an easterly direction along the north right-of-way line of County Road 282 an approximate distance of 4600 feet to the intersection of the north right-of-way line of said County Road 282 with the centerline of the East Fork Trinity River, and being approximately 56,600 feet in length.



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EXHIBIT C

McKinney - Celina

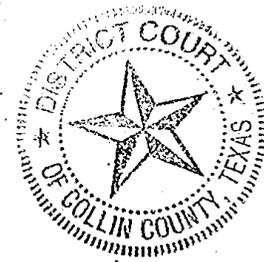
BEGINNING at a point where the projected west right-of-way line of F.M. Highway 2478 intersects the centerline of F.M. Highway 1461, said point being 45 feet north of the intersection of the west right-of-way line of F.M. Highway 2478 with the south right-of-way line of F.M. Highway 1461;

THENCE in a northerly direction an approximate distance of 45 feet to a point on the north right-of-way line of F.M. Highway 1461;

THENCE in an easterly direction along the north right-of-way line of F.M. Highway 1461 an approximate distance of 800 feet to the intersection of the north right-of-way line of F.M. Highway 1461 with the west right-of-way line of F.M. Highway 2478;

THENCE in a northerly and easterly direction along the west and north right-of-way line of F.M. Highway 2478 an approximate distance of 22,000 feet to the intersection of the west right-of-way line of F.M. Highway 2478 with the projected south right-of-way line of County Road 170, and being approximately 22,840 feet in length.

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EXHIBIT D

Celina -- Weston

BEGINNING at the intersection of the east right-of-way line of F.M. Highway 2478 with the south right-of-way line of County Road 170;

THENCE in a northerly direction along the east right-of-way line of F.M. Highway 2478 an approximate distance of 9240 feet to it's intersection with the east right-of-way line of F.M. Highway 455, and continuing in a northerly direction along the east right-of-way line of F.M. Highway 455 for an approximate total distance of 11,500 feet to a point where the projected east right-of-way line of County Road 133 intersects the south easterly right-of-way line of F.M. Highway 455;

THENCE in a northerly direction crossing F.M. Highway 455 and continuing along the east right-of-way line of County Road 133 an approximate distance of 10,700 feet to a point where the projected east right-of-way line of County Road 133 intersects the north right-of-way line of County Road 134;

THENCE in an easterly direction along the north right-of-way line of County Road 134 an approximate distance of 2750 feet to the intersection of the north right-of-way line of said County Road 134 with the centerline of Honey Creek;

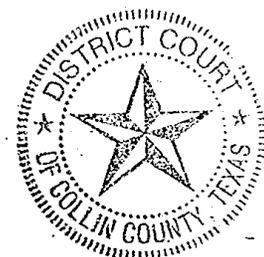
THENCE in a northerly direction along the centerline meanders of Honey Creek an approximate distance of 6400 feet to the intersection of the centerline of said Honey Creek with the south right-of-way line of County Road 135;

THENCE in an easterly direction along the south right-of-way line of County Road 135 an approximate distance of 1900 feet to the intersection of the south right-of-way line of said County Road 135 with the projected east right-of-way line of County Road 136;

THENCE in a northerly direction crossing County Road 135, and continuing along the east right-of-way line of County Road 136 an approximate distance of 7750 feet to a point where the projected east right-of-way line of County Road 136 intersects the north right-of-way line of County Road 138;

THENCE in a westerly direction along the north right-of-way line of County Road 138 an approximate distance of 5400 feet to a point where the north right-of-way line of County Road 138 intersects the east right-of-way line of County Road 137;

THENCE in a northerly direction along the east right-of-way line of County Road 137 an approximate distance of 760 feet to a point where the east right-of-way line of County Road 137 intersects with the Collin-Grayson County line, and being approximately 47,160 feet in length.



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EXHIBIT E

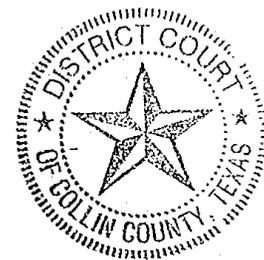
City of Celina - Town of Prosper

BEGINNING at a point where the projected west right-of-way line of F.M. Highway 2478 intersects the centerline of F.M. Highway 1461, said point being 45 feet north of the intersection of the west right-of-way line of F.M. Highway 2478 with the south right-of-way line of F.M. Highway 1461;

THENCE in a westerly direction along the centerline of F.M. Highway 1461 an approximate distance of 16,500 feet to the intersection of the centerline of F.M. Highway 1461 with the centerline of State Highway 289, also being the centerline intersection of Business Highway 289 from the west;

THENCE continuing in a westerly direction along the centerline of Business Highway 289 an approximate distance of 5100 feet to a point where it's projected centerline intersects the east right-of-way line of the Burlington Northern & Sante Fe Railroad ("BNSF"), said point also being in the center of County Road 5;

THENCE in a westerly direction crossing the BNSF and continuing along the centerline of County Road 5 an approximate distance of 11,400 feet to the intersection of the projected centerline of County Road 5 with the west right-of-way line of County Road 6, and being approximately 33,000 feet in length.



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EXHIBIT F

City of McKinney and Town of Prosper

BEGINNING at a point approximately 180.0 feet north of the northeast corner of Redbud Estates, said point also being on the north right-of-way line of U.S. 380 (University Dr.);

THENCE, in an Easterly direction along the North right-of-way line of U.S. 380 an approximate distance of 5,200.0 to the intersection of the North right-of-way line of U.S. 380 and the West right-of-way line of F.M. 2478;

THENCE in a Northerly direction along the West right-of-way line of F.M. 2478 an approximate distance of 15,900.0 feet to the intersection of the West right-of-way line of F.M. 2478 and the South right-of-way line of F.M. 1461;

THENCE in a Northerly direction leaving the South right-of-way line of F.M. 1461 an approximate distance of 40.0 feet to a point on the centerline of F.M. 1461 and containing a total length of approximately 26,540.0 feet.

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FILED
CLERK OF DISTRICT COURT
COLLIN COUNTY, TEXAS
FEB 27 2004



Return To:

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James E. Shepherd

Huntton + Williams LLP

1601 Bryan St. 30th Floor

Dallas TX ~~7508~~
75201

214-979-3207

attys for Collin County



STATE OF TEXAS)
COUNTY OF COLLIN)

I, Hannah Kunkle, District Clerk in and for Collin County Texas, do hereby certify that the above and foregoing is a true and correct copy of the original document as the same appears on the file in the District Court, Collin County, Texas. Witness my hand and seal of said Court, this the 5th day of June A.D., 20 01

HANNAH KUNKLE, DISTRICT CLERK
COLLIN COUNTY, TEXAS
Deputy

5889 00695

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ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW (COUNTY OF COLLIN) (THE STATE OF TEXAS)
I hereby certify that this instrument was FILED in the File Number Sequence on the date and the time stamped hereon by me; and was duly RECORDED, in the Official Public Records of Real Property of Collin County, Texas on

JUN 15 2004

Brenda Taylor



Filed for Record in:
Collin County, McKinney TX
Honorable Brenda Taylor
Collin County Clerk

On Jun 15 2004
At 9:17am

Doc/Num : 2004- 0087131

Recording/Type:JD 42.00
Receipt #: 23226