

Collin County Community College District Board of Trustees

2017-8-1-6

August 1, 2017

Resource: Ken Lynn
Administrative Services

TITLE: Report Out of the Campus Facilities and Construction Committee and Approval of Waiver of Right to Enforce Restrictive Covenant Agreement Relating to Certain Land Owned by the College in Collin County, Texas.

DISCUSSION: The College and The George White Family Limited Partnership entered into that certain Restrictive Covenant Agreement dated effective August 14, 2009 and recorded August 18, 2009 as Document No. 20090818001039840 relating to certain land located in Collin County.

The George White family Limited partnership subsequently conveyed the Owner Property to Celina Development. Celina Development subsequently conveyed a portion of the Owner Property described in Exhibit A to Celina Independent School District ("CISD") and Celina Development subsequently conveyed a portion of the Owner Property to Bluewood Phase 1.

As provided in the Agreement, the Owner Property shown with hashed lines on Exhibit "B" of the Agreement shall be restricted to residential uses with neighborhood commercial uses being allowed adjacent to County Road 88 (the "Use Restriction").

The CISD Property is intended to be used for elementary school purposes, but lies within the hashed area of Exhibit "B" which is restricted to residential uses. The parties desire to waive their right to enforce the Use Restriction against the owner of the CISD Property.

DISTRICT PRESIDENT'S RECOMMENDATION: The District President recommends that the Board approve the Waiver of Right to Enforce Restrictive Covenant Agreement Relating to Certain Land Owned by the College in Collin County, Texas.

SUGGESTED MOTION: "Mr. Chairman, I make a motion that the Board of Trustees of Collin County Community College District approves the Waiver of Right to Enforce Restrictive Covenant Agreement Relating to Certain Land Owned by the College in Collin County, Texas."