

**RESOLUTION NO. 2022-08-\_\_\_ (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, TERMINATING THE AGREEMENT BY AND BETWEEN THE CITY OF MCKINNEY, TEXAS AND MCRIGHT-SMITH CONSTRUCTION, LLC, FOR CONSTRUCTION MANAGER AT RISK SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE TKI EXECUTIVE TERMINAL AT THE MCKINNEY AIRPORT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of McKinney, Texas, previously entered into an Agreement with McRight-Smith Construction, LLC, a Texas limited liability company, (“McRight-Smith”) for Construction Manager at Risk services related to the design and construction of the TKI Executive Terminal at the McKinney Airport (the “CMAR Agreement”); and

**WHEREAS**, McRight-Smith has ceased performing the CMAR Agreement and the City has asserted claims against the bonds required under the CMAR Agreement; and

**WHEREAS**, the termination of the CMAR Agreement is necessary to facilitate completion of the TKI Executive Terminal through said bonds.

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

Section 1. The City Council of the City of McKinney, Texas hereby approves the termination of the CMAR Agreement between the City of McKinney and McRight-Smith Construction, LLC.

Section 2. The City Council authorizes the City Manager to execute such documents as may be necessary to terminate the CMAR Agreement in accordance with its terms and conditions.

Section 3. This Resolution shall take effect immediately from and after the date of passage and is so resolved.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 16TH DAY OF AUGUST 2022.**

CITY OF MCKINNEY, TEXAS

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary  
JOSHUA STEVENSON  
Deputy City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney