

RESOLUTION NO. 2022-07-XXX (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPER PARTICIPATION AGREEMENT WITH TMPG HIGHLAND LAKES, LLC, FOR THE CONSTRUCTION OF CERTAIN WATER LINE IMPROVEMENTS TO SERVE THE HIGHLAND LAKES PHASE 1 SUBDIVISION, GENERALLY LOCATED ON THE NORTH SIDE OF BLOOMDALE ROAD (CR 123) AND ON THE WEST SIDE OF FUTURE RIDGE ROAD (CR 163)

WHEREAS, the City has discussed entering into a developer participation agreement with TMPG Highland Lakes, LLC (“Developer”) for the construction of certain water line improvements to serve Phase 1 of the Highland Lakes Subdivision; and

WHEREAS, Developer is constructing an approximately 429 lot residential subdivision on approximately 140.047 acres of land (the “Highland Lakes Phase 1 Subdivision”) on property located on the north side of Bloomdale Road and on the west side of Ridge Road in the City of McKinney, Texas, as more fully described in Exhibit A attached hereto and incorporated by reference; and

WHEREAS, Developer is constructing certain items of public infrastructure including certain sanitary sewer line improvements, water line improvements, storm drainage improvements and roadway improvements (the “Developer’s Public Improvements”); and

WHEREAS, Developer has entered into agreements with a General Contractor for the construction of the Developer’s Public Improvements necessary for its development of the Highland Lakes Phase 1 Subdivision (the “Contract”), a copy of which is attached hereto as Exhibit B and incorporated herein by reference, which improvements when completed will be dedicated to the public; and

WHEREAS, City desires that certain water line improvements and related infrastructure improvements necessary to serve the Highland Lakes Phase 1 Subdivision, (the “McKinney Public Improvements”) depicted in Exhibit C attached hereto and incorporated herein by reference, be constructed by Developer, and has requested that the scope of work under the Contract be modified to include the McKinney Public Improvements; and

WHEREAS, the construction of the Developer’s Public Improvements together with the McKinney Public Improvements (collectively referred to as the “Public Improvements”) by Developer will benefit McKinney and improve the ability to provide necessary services to the properties located adjacent thereto; and

WHEREAS, Texas Local Government Code, Section 212.071, et seq., authorizes McKinney to contract with Developer and participate in the cost of construction for public improvements so long as the limit of participation does not exceed thirty percent (30%) of the total Contract price and the improvements are related to the development; and

WHEREAS, McKinney has determined that the cost of the McKinney Public Improvements when added to the cost of the Developer’s Public Improvements (the sum of which is referred to herein as the “Total Contract Price”) does not exceed thirty percent (30%) of the Total Contract Price.

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 authorizes the City Manager to enter into a developer participation agreement with TMPG Highland Lakes, LLC, with City participation not to exceed \$20,700.00.
- Section 2. City Council hereby authorizes using funds from ST1722 (Ridge Road – Wilmeth to Bloomdale) to fulfill the obligations of the agreement.
- 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 19th DAY OF JULY, 2022.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney