

RESOLUTION NO. 2016-08-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING AN EASEMENT AGREEMENT WITH POGUEROSA INVESTMENTS, II, LP FOR DEDICATION OF AN ± 1.142 ACRE SANITARY SEWER EASEMENT AND ASSOCIATED TEMPORARY CONSTRUCTION EASEMENTS IN EXCHANGE FOR WAIVER OF FUTURE PRO RATA SANITARY SEWER CHARGES ASSOCIATED WITH CONSTRUCTION OF THE BLOOMDALE SANITARY SEWER LINE PROJECT

WHEREAS, the City Council of the City of McKinney has previously approved a supplemental agreement with Kimley-Horn Associates, Inc. to provide for the alignment, survey, and design of the Bloomdale Sanitary Sewer Line Project (the "Project") which includes approximately 1900 linear feet of 8 inch sanitary sewer trunk line and 1700 linear feet of 12 inch sanitary sewer trunk line; and

WHEREAS, the Project will provide sewer service to a basin that includes the City of McKinney's future Fire Training Facility; and

WHEREAS, Poguerosa Investments, II, LP ("Poguerosa") owns an ± 85 acre tract of land adjacent to the Project construction and is willing to dedicate the necessary easements for the project in exchange for waiver of future pro rata sewer charges arising out of construction of the Project; and

WHEREAS, City staff has found that the estimated fair market value of the easements to be dedicated is roughly proportional to the estimated value of applicable future pro rata sewer charges for the 85-acre tract owned by Poguerosa and from which the easements shall be granted;

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

Section 1. The proposed Sanitary Sewer and Temporary Construction Easement agreement (the "Agreement") between the City and Poguerosa is approved, and the City Manager (or his designee) is authorized to execute the Agreement and all other documents necessary to complete the transaction.

Section 2. 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 1st DAY OF AUGUST, 2016.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

ATTEST:

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

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney