

AFTER RECORDING, RETURN TO:

City Secretary
City of McKinney
P.O. Box 517
222 N. Tennessee Street
McKinney, Texas 75069

Town Secretary
Town of Fairview
Town Hall
372 Town Place
Fairview, Texas 75069

**INTERLOCAL COOPERATION AGREEMENT
REGARDING CERTAIN JURISDICTIONAL BOUNDARIES
BY AND BETWEEN
THE CITY OF MCKINNEY AND THE TOWN OF FAIRVIEW**

THIS INTERLOCAL COOPERATION AGREEMENT regarding certain jurisdictional boundaries is made and entered into by and between the City of McKinney, Texas (hereinafter "McKinney") and the Town of Fairview, Texas (hereinafter "Fairview"), which municipalities are collectively referred to as the "Parties" and singularly as a "Party."

WHEREAS, McKinney is a Home-Rule municipality in Collin County, Texas; and

WHEREAS, Fairview is a Home-Rule municipality in Collin County, Texas; and

WHEREAS, the Interlocal Cooperation Act ("Act"), Chapter 791 of the Texas Government Code, authorizes units of local government to contract with one or more other local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, Sections 42.022(d) and 42.023 of the Texas Local Government Code authorizes a municipality to reduce its extraterritorial jurisdiction by resolution or ordinance adopted by the governing body of the municipality; and

WHEREAS, Section 43.003 of the Texas Local Government Code and Section 791.001, *et seq.*, of the Texas Government Code authorize and empower the Parties, as local governments, to fix their boundaries and exchange area with other each other; and

WHEREAS, Section 43.015 of the Texas Local Government Code authorizes and empowers the Parties to make mutually agreeable changes in their boundaries that are less than 1,000 feet in width; and

WHEREAS, by judgment of the 296th Judicial District Court of Collin County, made final on December 4, 2008, a line was established dividing the territory subject to the

jurisdictional authority of McKinney and the territory subject to the jurisdictional authority of Fairview (“2008 Line”); and

WHEREAS, the 2008 Line was modified by Interlocal Agreement dated on or about November 6, 2014, to transfer approximately 16.484 acres of land in the Samuel Sloan Survey, Abstract No. 791 from McKinney’s jurisdictional authority to Fairview’s jurisdictional authority; and

WHEREAS, the Parties have been separately approached by Ronald Earl Pruitt and Christian Noble Pruitt (collectively the “Pruitts”) inquiring regarding the availability and proximity of water and sanitary sewer facilities that would readily allow for the development of a tract of land owned by the Pruitts that is situated in the ETJ of McKinney (the “Pruitt Tract”); and

WHEREAS, the Pruitt Tract contains approximately 247,136 square feet or 5.673 acres of land in the F.T. Duffau Survey, Abstract No. 287, Collin County, Texas, and is more particularly described and depicted in Exhibit “A” attached hereto and incorporated herein by reference for all purposes allowed by law; and

WHEREAS, the Pruitts have also approached the Heard Natural Science Museum and Wildlife Sanctuary, Inc. (the “Heard Museum”), about trading the western-most approximately 1.423 acres of the Pruitt Tract (the “Pruitt Exchange Parcel”) that is more particularly described and depicted in Exhibit “B,” attached hereto and incorporated herein by reference for all purposes allowed by law, for an approximately 1.423 acres of land in the corporate limits of the City of McKinney owned by the Heard Museum abutting the eastern boundary line of the Pruitt Tract (the “Heard Parcel”) that is more particularly described and depicted in Exhibit “C,” attached hereto and incorporated herein by reference for all purposes allowed by law; and

WHEREAS, the Pruitts and the Heard Museum have agreed to a swap of the Pruitt Exchange Parcel for the Heard Parcel; and

WHEREAS, the Pruitts and the Heard Museum have requested that McKinney release the Pruitt Tract from McKinney’s ETJ and the Heard Parcel from McKinney’s corporate limits to Fairview’s Extraterritorial Jurisdiction (“ETJ”) to allow the resulting Pruitt land to obtain water and sanitary sewer service from Fairview; and

WHEREAS, in consideration of McKinney’s release of the Pruitt Tract and the Heard Parcel from McKinney’s ETJ to Fairview’s ETJ, the Pruitts and the Heard Museum have agreed to restrict the use of the resulting Pruitt land to single-family residential on land parcels of not less than two acres in area and the use of the resulting Heard Museum land to open space uses and activities related to the primary mission of the Heard Natural Science Museum and Wildlife Sanctuary, Inc.; and

WHEREAS, the territory subject to the jurisdictional authority of McKinney under the 2008 Line includes property described and depicted in Exhibits “A,” “B” and “C” hereto (the “Property”); and

WHEREAS, McKinney and Fairview desire to adjust the 2008 Line to remove the Property described in Exhibit “D” from the corporate limits and/or extraterritorial jurisdiction of McKinney and include it within the extraterritorial jurisdiction of Fairview; and

WHEREAS, McKinney and Fairview find that it is in the public interest to enter into this Agreement;

NOW, THEREFORE, in consideration of the covenants and conditions contained in this Agreement, McKinney and Fairview agree as follows:

1. All of the foregoing recitals are hereby found to be true and correct and they are hereby approved and incorporated into the body of this Agreement as if copied in their entirety.
2. By resolution or ordinance duly passed and adopted by the City Council of McKinney and resolution or ordinance duly passed and adopted by the Town Council of Fairview, the designated representative of each Party is authorized to execute this Agreement.
3. “Jurisdictional Authority” means a municipality's right or ability to regulate one or more conditions or uses within the Territory situated within its corporate limits or ETJ, as defined by state law, provided that such Territory is not within the corporate limits or ETJ of another municipality consistent with this Agreement and as depicted on Exhibits “A,” “B” and “C.”
4. The 2008 Line is hereby adjusted to remove the Property from the jurisdictional authority of McKinney and include it within the jurisdictional authority of Fairview. A description of the specific property and a drawing of the line dividing the jurisdictional authority of McKinney and Fairview in the area of the Property as adjusted by this Agreement is attached hereto as Exhibit “D.”
5. Except as adjusted by this Agreement, the 2008 Line is unchanged.
6. McKinney hereby forever and fully releases any rights it may have had to provide any municipal services to the Property. Fairview hereby accepts responsibility for providing all municipal services to the Property required by law regardless of whether the Property is in Fairview's city limits or extraterritorial jurisdiction.
7. This Agreement may not be modified or rescinded by either party except by the mutual actions of McKinney and Fairview on such modification or rescission.

8. This Agreement shall be null and void if not approved and executed by McKinney and Fairview on or before March 1, 2023.

IN WITNESS WHEREOF, the Parties hereto have set their hands by their representatives who are duly authorized by their respective governing bodies on the date indicated below.

CITY OF MCKINNEY

By: _____
PAUL G. GRIMES
City Manager

Date Signed: _____

ATTEST:

EMPRESS DRANE
City Secretary

TOWN OF FAIRVIEW

By: _____
JULIE COUCH
Town Manager

Date: _____

ATTEST:

TENITRUS BETHEL
Town Secretary

Exhibit "A"

**Pruitt Tract
(5.673 Acres)**

(Consisting of one following page.)

Exhibit "B"

**Heard Parcel to Pruitt
(1.423 Acres)**

(Consisting of one following page.)

Exhibit "C"

**Pruitt Exchange Parcel to Heard
(1.423 Acres)**

(Consisting of one following page.)

Exhibit “D”

**Description and Depiction of Property to be Released from the City of McKinney’s
Corporate Limits and/or Extraterritorial Jurisdiction to the Town of Fairview**

(Consisting of two following pages.)

The Pruitt Tract

LEGAL DESCRIPTION

Being all that certain lot, tract or parcel of land located in the F. T. Duffau Survey, Abstract No. 287, Collin County, Texas, and being a part of that certain tract of land described in deed to Ronald Earl Pruitt & Christian Noble Pruitt, recorded in Instrument No. 20170424000511570, Official Public Records, Collin County, Texas, and being a part of that certain tract of land described in deed to Heard Natural Science Museum, recorded in Volume 805, Page 130, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set in the North line of Ascot Heath, an addition to the Town of Fairview, Collin County, Texas, according to the plat thereof recorded in Cabinet F, Page 136, Map Records, Collin County, Texas, same being the North line of Lot 5 of said Addition, at the Southeast corner of that certain tract of land described in deed to Kathlene Seal & David Judy & Darlene Judy, recorded in Instrument No. 20141217001374960, Official Public Records, Collin County, Texas;

Thence North 02°34'00" West, a distance of 441.14' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" found at an exterior ell corner of said Heard Natural Science Museum Tract;

Thence South 87°13'00" East, a distance of 743.54' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence South 00°07'10" East, a distance of 202.37' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set in the North line of that certain tract of land described in deed to The Rekieta Family Trust, recorded in Instrument No. 2002-0139713, Official Public Records, Collin County, Texas at an exterior ell corner of said Heard Natural Science Museum Tract;

Thence South 89°59'18" West, a distance of 298.38' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set at the Northwest corner of said Rekieta Tract;

Thence South 01°13'00" West, a distance of 124.06' to a 1/2" iron rod found for corner;

Thence South 29°11'51" West, a distance of 88.80' to a 60D nail set in said North line of Ascot Heath Addition, at the most Western corner of said Rekieta Tract, said point being South 89°54'28", a distance of 4.35' from the Northeast corner of said Ascot Heath Addition, same being the Northeast corner of Lot 7 of said Addition;

Thence South 89°54'28" West, along said North line, passing at a distance of 175.26' the common North corner of said Lot 7 and Lot 6 of said Ascot Heath Addition, passing again at 377.87' the common North corner of said Lots 5 & 6, and continuing for a total distance of 379.00' to the PLACE OF BEGINNING and containing 247,136 square feet or 5.673 acres of land.

The Heard Parcel

LEGAL DESCRIPTION

Being all that certain lot, tract or parcel of land located in the F. T. Duffau Survey, Abstract No. 287, Collin County, Texas, and being a part of that certain tract of land described in deed to Heard Natural Science Museum, recorded in Volume 805, Page 130, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set in the East line of that certain tract of land described in deed to Ronald Earl Pruitt & Christian Noble Pruitt, recorded in Instrument No. 20170424000511570, Official Public Records, Collin County, Texas, at the Northwest corner of that certain tract of land described in deed to The Rekieta Family Trust, recorded in Instrument No. 2002-0139713, Official Public Records, Collin County, Texas;

Thence North 01°13'00" East, along said East line, a distance of 216.74' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" found at an interior ell corner of said Heard Natural Science Museum Tract, said point being the Northeast corner of said Pruitt Tract;

Thence South 87°13'00" East, a distance of 293.70' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence South 00°07'10" East, a distance of 202.37' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set in the North line of said Rekieta Tract;

Thence South 89°59'18" West, along said North line, a distance of 298.38' to the PLACE OF BEGINNING and containing 62,007 square feet or 1.423 acres of land.

