

**RESOLUTION NO. 2016-03-XXX (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A DEVELOPER PARTICIPATION AGREEMENT WITH W/J WILMETH RIDGE, L.P., FOR THE CONSTRUCTION OF AN OVERSIZED OFF-SITE WASTEWATER MAIN AND RELATED INFRASTRUCTURE IMPROVEMENTS, BEING EXTENDED TO THE WILMETH RIDGE NORTH AND WILMETH RIDGE SOUTH SUBDIVISIONS**

**WHEREAS,** the City has discussed entering into a developer participation agreement with W/J Wilmeth Ridge, L.P. (“Developer”) for the installation of an oversized master planned wastewater main, in order to serve the Developer’s property and future development in the area, and;

**WHEREAS,** Developer is developing approximately 129.00 acres of land, known as the Wilmeth Ridge North and Wilmeth Ridge South Subdivisions, along the north and south sides of Wilmeth Road (CR 161) and along the east side of Ridge Road (CR 161), and;

**WHEREAS,** the City’s Wastewater Collection System Master Plan requires the extension of a wastewater main that is larger than the City’s minimum standard twelve-inch (12”) diameter wastewater mains, and which is also larger than the wastewater main required to serve the Subdivision, and;

**WHEREAS,** Developer has agreed to extend the oversized main and all necessary appurtenances related to the oversized main to the property in exchange for reimbursement of the difference in cost to construct the oversized main as compared to the cost to construct the City’s minimum standard twelve-inch (12”) diameter line, and;

**WHEREAS,** the construction of the oversized main by Developer will benefit McKinney by significantly increasing the wastewater capacity associated with such public improvements project in anticipation of other future development in the area specifically including around the Property; and

**WHEREAS,** Texas Local Government Code, Section 212.071, *et seq.*, authorizes McKinney to contract with a developer and participate in the cost of oversizing public improvements so long as the limit of participation does not exceed 100 percent of the total cost for any oversizing of improvements required by the municipality, including but not limited to increased capacity of improvements to anticipate other future development in the area; and

**WHEREAS,** The City Council of the City of McKinney concurs that the agreement is beneficial to both the City and the development.

**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 Interim City Manager to enter into a developer participation agreement with W/J Wilmeth Ridge, L.P., with City funding not to exceed \$759,441.37.

Section 2. City Council hereby authorizes using funds from WW4213 (Oversize Participation Bloomdale (Tucker Hill)) to fulfill the obligations of this 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 1<sup>st</sup> DAY OF MARCH, 2016.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary  
Denise Vice, TRMC  
Assistant City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney