

**RESOLUTION NO. 2018-06-XXX (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A ROADWAY IMPACT FEE CREDIT AGREEMENT WITH LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., FOR THE CONSTRUCTION OF HARDIN BOULEVARD, EXTENDING APPROXIMATELY 5,320 LINEAR FEET AND SERVING AN APPROXIMATELY 313 ACRE TRACT, GENERALLY LOCATED ON THE NORTH SIDE OF F.M. 543 AND ON THE EAST SIDE OF C.R. 203**

**WHEREAS**, the City has discussed entering into a Roadway Impact Fee Credit Agreement with Lennar Homes of Texas Land and Construction, LTD., (“Developer”) for the construction of Hardin Boulevard, extending approximately 5,320 feet north of F.M. 543 and serving an approximately 313 acre tract (“Property”); and

**WHEREAS**, Hardin Boulevard is an arterial that will serve the property known as Honey Creek 313, which property Developer plans to acquire and develop as a residential subdivision; and

**WHEREAS**, Developer shall construct the Roadway Improvements for the Roadway Project related to the construction of a portion of Hardin Boulevard, which improvements are eligible in part at least for roadway impact fee credits that will be applied to the Property; and

**WHEREAS**, Developer will acquire and dedicate or cause to be dedicated to the City all necessary rights-of-way for the Roadway Project; and

**WHEREAS**, City has identified those portions of Hardin Boulevard included in the Roadway Project that are located in the City’s corporate limits on the City’s roadway improvement plan, which is a part of the City’s Roadway Impact Fee Ordinance; and

**WHEREAS**, for the construction of the referenced Roadway Project, Developer shall receive impact fee credits, calculated in accordance with the Ordinance, which shall attach to the Property; and

**WHEREAS**, a portion of Hardin Boulevard included in the Roadway Project that Developer plans to construct is located outside of the City’s corporate limits and therefor outside the current scope of the City’s roadway improvement plan; and

**WHEREAS**, Developer is obtaining the right-of-way for the portion of Hardin Boulevard situated outside of the City’s corporate limits for the construction of the roadway but does not control the annexation of the area within which it is situated; and

**WHEREAS**, City plans to include the portion of Hardin Boulevard situated outside of the City’s corporate limits in the City’s roadway improvement plan at such time as the area around the roadway and the roadway are annexed into the City’s corporate limits; and

**WHEREAS**, the portion of Hardin Boulevard situated outside of the City’s corporate limits will be eligible for impact fee credit reimbursements at such time as it is annexed and included in the City’s roadway improvement plan; and

**WHEREAS**, City and Developer desire to memorialize Developer’s right to receive impact fee credits for the portion of Hardin Boulevard situated outside of the City’s corporate limits that Developer constructs by and through this Agreement;

**WHEREAS,** The City Council of the City of McKinney concurs that the agreement is in the best interests of both the City and the Developer, and it is deemed mutually beneficial to each that the construction of the Project proceed.

**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 Roadway Impact Fee Credit Agreement with Lennar Homes of Texas Land and Construction, LTD.
- Section 2. Following the Developer's construction and City's acceptance of 2,400 linear feet of 4 Lanes of Hardin Boulevard currently identified on the Roadway Improvement Plan, the Developer shall receive roadway impact fee credits in an amount not to exceed 219.43 Service Units within Roadway Service Area D.
- Section 3. Following the Developer's construction and City's acceptance of 2,410 linear feet of 2 Lanes of Hardin Boulevard currently identified on the Roadway Improvement Plan, the Developer shall receive roadway impact fee credits in an amount not to exceed 798.75 Service Units within Roadway Service Area B.
- Section 4. Following the Developer's construction and City's acceptance of 510 linear feet of 2 Lanes of Hardin Boulevard (currently located outside of the City's corporate limits), and upon the annexation of and inclusion of said portion of roadway in the Roadway Improvement Plan, roadway impact fee credits shall be available in an amount not to exceed 169.03 Service Units within Roadway Service Area B.
- Section 5. 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 19<sup>th</sup> DAY OF JUNE, 2018.**

CITY OF MCKINNEY, TEXAS

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GEORGE C. FULLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney