

**ORDINANCE NO. 2014-09-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING SECTION 30-2 OF CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY WITH AN UPDATED DEFINITION OF “AIRPORT AREA LAND LEASE RATE”; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City of McKinney, Texas (the “City”) is a Home Rule City possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the City’s Home Rule Charter; and

**WHEREAS,** the City owns the McKinney National Airport, (“the airport”) a federally obligated airport, and is responsible for establishing airport rules and regulations for the safe operation of the airport and establishing minimum standards for aeronautical activities occurring at the airport; and

**WHEREAS,** the City Council of the City of McKinney, Texas (“City Council”), possesses, pursuant to applicable federal and state law, the authority to regulate airport operations; and

**WHEREAS,** the McKinney Airport Development Corporation (“MADC”) was created under the authority of the City’s Home Rule Charter and Chapter 431 of the Texas Transportation Code to assist and advise the City in operating the airport, and to provide other duties and activities as set forth in the MADC Articles of Incorporation and Bylaws; and

**WHEREAS,** on June 17, 2014, the City Council adopted Ordinance No. 2014-06-041 which enacted revisions to the airport rules and regulations and minimum standards, which are found in Chapter 30 of the Code of Ordinances of the City of McKinney, Texas (“McKinney City Code”); and

**WHEREAS,** on August 4, 2014, the City Council adopted Ordinance No. 2014-08-054 which established variable land lease rates for all tracts at the airport, replacing the previous single land lease rate; and

**WHEREAS,** the MADC has undertaken a review of the airport rules and regulations and minimum standards in light of the recent City ordinance establishing variable land lease rates at the airport, and the MADC Board recommends to the City Council modifications to the definition of “airport area land lease rate” in Section 30-2 of Chapter 30 of the McKinney City Code, and related references in Section 30-305, in accordance with that review; and

**WHEREAS,** the City Council finds that the adoption of updated provisions regarding the term “airport area land lease rate” in the airport minimum standards and rules and regulations is in the best interest of the health, safety and welfare of the citizens of the City and of the members of the public who desire to use the airport.

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

Section 1. All of the above premises are found to be true and correct legislative determinations and are hereby incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. The Code of Ordinances of the City of McKinney, Section 30-2 of Chapter 30, is hereby amended by deleting the definition of “airport area land

lease rate” in said section in its entirety, and replacing it with a new definition of “airport area land lease rate,” which shall read as follows:

**“CHAPTER 30 – AVIATION**

\* \* \*

**Sec. 30-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

*Airport area land lease rate* means the maximum per square foot per year lease rate charged to persons who lease portions of the airport area from the city, as established by city ordinance in effect at the time the access fee is initially calculated.

\* \* \*”

Section 3. The Code of Ordinances of the City of McKinney, Section 30-305 of Chapter 30, is hereby amended by updating the references to “airport area land lease rate” in lines 7, 8 and 9 of the table that is included in subsection (c), as follows:

“Example:

1.	Airport Area Annual Expenses	\$_____
2.	Five-Year Airport CIP Reserve	(\$_____)
3.	Annual Airport CIP Reserve (line 2 divided by 5)	\$_____
4.	<i>Adjusted Airport Expenses</i> (line 1 plus line 3)	\$_____
5.	Square Footage of all Airport Facilities and Total Off-Airport Properties	_____ Sq. Ft.
6.	Airport Area Annual Maintenance Rate (line 4 divided by line 5)	\$_____/Sq. Ft.
7.	Airport Area Land Lease Rate	\$_____/Sq. Ft.
8.	Airport Area Land Lease Rate Adjustment Factor	_____ %
9.	Adjusted Airport Area Land Lease Rate (line 7 multiplied by line 8)	\$_____/Sq. Ft.
10.	Gross Square Footage of Specific Off-Airport Property	_____ square feet
11.	Access Fee for Off-Airport Property (Paid Annually, Subject to CPI Adjustment) (applying line 6 or line 9, whichever is greater, to line 10)	_____ square feet x \$_____ = \$_____

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Section 4. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of McKinney, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict herewith.

Section 5. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Section 6. This Ordinance shall become effective immediately upon its passage and publication as provided by law, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 2<sup>nd</sup> DAY OF SEPTEMBER, 2014.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

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

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney