

**RESOLUTION NO. 2023-03-XXX (R)**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPER PARTICIPATION AGREEMENT WITH JEN TEXAS 22 LLC FOR THE EXPANSION OF HENSON ROAD AND THE UPSIZING OF THE SEWER LINE FOR THE WOODLANDS WEST SUBDIVISION TO SERVICE FUTURE CITY PARKLAND SOUTH OF BLOOMDALE ROAD AND GENERALLY EAST OF LAKE FOREST DRIVE**

**WHEREAS,** Developer is constructing the public infrastructure for the Painted Tree Development including the Woodlands West Subdivision portion thereof on property located generally north of U.S. Highway 380, east of Lake Forest Drive (FM 1461) and south of Bloomdale Road (CR 164) in the City of McKinney, Texas; and

**WHEREAS,** Developer is constructing certain items of public infrastructure including certain sanitary sewer line improvements, water line improvements, storm drainage improvements and roadway improvements; and

**WHEREAS,** Developer has entered into agreements with a General Contractor for the construction of the Developer's Public Improvements necessary for its development of the Painted Tree Development, which improvements when completed will be dedicated to the public; and

**WHEREAS,** City desires that Henson Road be expanded from a two-lane roadway to a four-lane roadway with a left-turn lane from Henson Road on to Lake Forest Drive and oversize certain sanitary sewer line improvements from a twelve-inch diameter line to a varying diameter between fifteen inches and eighteen inches in diameter together with related infrastructure improvements necessary to provide access to and serve the adjacent park land and the construction of any future facilities on said park land; and

**WHEREAS,** Developer anticipates that it will suffer a net loss of eight (8) buildable residential lots due to the increased right-of-way necessary for the Henson Road Expansion and the City and Developer have agreed on an additional amount to compensate Developer for such additional right-of-way in excess of the amount of right-of-way that is otherwise roughly proportionate to the dedication required for the necessary two-lane roadway; and

**WHEREAS,** the construction of the Developer's Public Improvements together with the McKinney Public Improvements by Developer will benefit McKinney and improve the ability to provide necessary services to the properties located adjacent thereto; and

**WHEREAS**, Texas Local Government Code, Section 212.071, et seq., authorizes McKinney to contract with Developer and participate in the cost of construction for public improvements so long as the limit of participation does not exceed thirty percent (30%) of the total Contract price and the improvements are related to the development; and

**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 developer participation agreement with JEN TEXAS 22 LLC with City participation not to exceed \$1,531,033.42.
- Section 2. City Council hereby authorizes using funds from PK2354 (Infrastructure for Regional Sports Facility) 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 7<sup>th</sup> DAY OF MARCH, 2023.**

CITY OF MCKINNEY, TEXAS

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary  
JOSHUA STEVENSON  
Deputy City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney