

RESOLUTION NO. 2020-05-XXX (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPER PARTICIPATION AGREEMENT WITH W/J WILMETH RIDGE, LP, FOR THE CONSTRUCTION OF CERTAIN STORM WATER IMPROVEMENTS FOR FUTURE RIDGE ROAD ON THE WEST SIDE OF THE WILMETH RIDGE SOUTH SUBDIVISION, GENERALLY LOCATED SOUTH OF WILMETH ROAD (COUNTY ROAD 161) AND EAST OF FUTURE RIDGE ROAD

WHEREAS, the City has discussed entering into a developer participation agreement with W/J Wilmeth Ridge, LP (“Developer”) for the construction of certain storm water improvements for Future Ridge Road; and

WHEREAS, Developer is constructing an approximately 89 lot residential subdivision on approximately 49.153 acres of land (the “Wilmeth Ridge South Subdivision”) on property located south of Wilmeth Road (County Road 161) and east of future Ridge Road 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 (the “Developer’s Public 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 Wilmeth Ridge South Subdivision (the “Contract”), which improvements when completed will be dedicated to the public; and

WHEREAS, City desires that certain storm water improvements and related infrastructure improvements necessary to serve the Wilmeth Ridge South Subdivision and adjacent areas, (the “McKinney Public Improvements”) identified in Exhibit A attached hereto and incorporated herein by reference be constructed by Developer, and has requested that the scope of work under the Contract be modified to include the McKinney Public Improvements; and

WHEREAS, the construction of the Developer’s Public Improvements together with the McKinney Public Improvements (collectively referred to as the “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

WHEREAS, McKinney has determined that the cost of the McKinney Public Improvements when added to the cost of the Developer’s Public Improvements (the sum of which is referred to herein as the “Total Contract Price”) does not exceed thirty percent (30%) of the Total Contract Price.

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 W/J Wilmeth Ridge, LP, with City funding not to exceed \$142,399.31.

Section 2. City Council hereby authorizes using funds from ST1617 (Ridge Road – US 380 to Wilmeth) to fulfill the obligations of the 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 5th DAY OF MAY, 2020.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney