

**RESOLUTION NO. 2016-12-\_\_\_ (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE DEVELOPMENT AGREEMENTS ASSOCIATED WITH THE CITY OF MCKINNEY'S PENDING 2017 MUNICIPAL ANNEXATION PLAN**

**WHEREAS,** the City Council of the City of McKinney, Texas, agrees that portions of its Extraterritorial Jurisdiction (ETJ) generally located at the northeast corner of US 380 and Custer Road as well as along the north side of US 380 and east of FM 1827 (New Hope Road) should be included in an amendment to the City's Municipal Annexation Plan; and,

**WHEREAS,** Section 212.172 of the Texas Local Government Code outlines the City's authority to enter into development agreements with land owners within a municipality's extraterritorial jurisdiction; and,

**WHEREAS,** Section 43.035 of the Texas Local Government Code outlines that before a municipality may annex property which is classified for ad valorem tax purposes as agricultural, wildlife management or timber land, the municipality shall first offer to enter into a development agreement with such property owners pursuant to Section 212.172 of the Texas Local Government Code; and,

**WHEREAS,** Section 43.035 of the Texas Local Government Code does not limit a municipality's ability to offer development agreements to other property owners within the Extraterritorial Jurisdiction (ETJ), and,

**WHEREAS,** Section 212.172 of the Texas Local Government Code, among other things, guarantees (1) the ETJ status of the property will continue for a stated period of time unless any type of development plat or related development document for the property is filed with a government agency, whichever date occurs first; and (2) authorizes the enforcement of all regulations and planning authority of the City that do not interfere with the current legal use of the property and/or use of the property for agricultural, wildlife management or timber land purposes; and,

**WHEREAS,** several property owners generally located at the northeast corner of US 380 and Custer Road as well as along the north side of US 380 and east of FM 1827 (New Hope Road) have agreed to execute development agreements in accordance with Section 212.172 of the Texas Local Government Code; and,

**WHEREAS,** the City Council of the City of McKinney, Texas, agrees that the City's interests are served by executing these aforementioned development agreements; and,

**WHEREAS,** the City Council of the City of McKinney, Texas, authorizes the City Manager to execute all development agreements associated with an amendment to the City's Municipal Annexation Plan.

**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 execute all development agreements associated with the City's efforts to annex land as part of an amendment to the City's Municipal Annexation Plan.

Section 2. 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 6<sup>TH</sup> DAY OF DECEMBER, 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