

**RESOLUTION NO. 2020-01-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 MLRP WILMETH, LLC, FOR ESCROWED FUNDS FOR THE CONSTRUCTION OF TWO LANES OF WILMETH ROAD (EXTENDING 820 LINEAR FEET), SERVING AN APPROXIMATELY 24.20 ACRE TRACT, GENERALLY LOCATED ON THE NORTH SIDE OF WILMETH ROAD AND APPROXIMATELY 250' WEST OF STATE HIGHWAY 5 (MCDONALD STREET)**

**WHEREAS,** Wilmeth Road is an arterial that will serve Developer's property known as ML Wilmeth Addition, Lots 1-3, Block A, which property is located on the north side of Wilmeth Road, in an area approximately 250' west of State Highway 5 (McDonald Street); and

**WHEREAS,** City is about to begin construction of a roadway project known as Wilmeth Road Lanes 3 and 4, East of Redbud to SH 5, that will improve the roadway adjacent to the Property; and

**WHEREAS,** Developer has agreed to escrow Developer's proportionate share of the construction of the Roadway Improvements on Wilmeth Road, identified herein below, that will serve the Property and which Roadway Improvements are eligible for roadway impact fee credits, which credits shall be applied to the Property; and

**WHEREAS,** City and Developer have agreed if the Developer escrows Developer's proportionate share of the costs for the Roadway Improvements that Developer would otherwise be required to construct that the City will apply such funds to the construction of the roadway project known as Wilmeth Road Lanes 3 and 4, East of Redbud to SH 5 and the Developer will receive roadway impact fee credits just as though Developer constructed the roadway improvements required to serve the Property; and

**WHEREAS,** Developer has dedicated, or will dedicate, to the City the necessary right-of-way for the Roadway Project; and

**WHEREAS,** City has previously identified the portion of Wilmeth Road for which Developer has agreed to escrow funds for construction to be on the City's Impact Fee Roadway Improvement Plan ("IFRIP"), which IFRIP is a part of the City's Roadway Impact Fee Ordinance; and

**WHEREAS,** For the escrow of funds and the dedication of right-of-way together with the future construction of the Roadway Project, Developer shall receive roadway impact fee credits, calculated in accordance with the Ordinance, and which credits shall attach to the Property.

**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 MLRP Wilmeth, LLC.

Section 2. Following the Developer's dedication of right-of-way and escrow of funds proportionate to the costs of the required roadway improvements that Developer would otherwise be required to construct, the Developer shall

receive roadway impact fee credits in an amount not to exceed 217.42 Service Units.

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 JANUARY, 2020.**

CITY OF MCKINNEY, TEXAS

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary  
LISA SEWELL  
Deputy City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney