

RESOLUTION NO. 2017-11-XXX (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPER PARTICIPATION AGREEMENT FOR THE CONSTRUCTION OF AN OVERSIZED WASTEWATER MAIN AND RELATED INFRASTRUCTURE IMPROVEMENTS, WITH SLC MCKINNEY PARTNERS, LP, BEING EXTENDED THROUGH THE TUCKER HILL, PHASE 4 ADDITION

WHEREAS, the City has discussed entering into a Developer Participation Agreement with SLC McKinney Partners, LP (“Developer”) for the installation of an oversized water main, in order to serve the Developer’s property and future development in the area; and,

WHEREAS, Developer is developing approximately 37.28 acres of land, known as Tucker Hill, Phase 4 Addition, generally located along the east side of Tremont Boulevard and on the north side of Darrow Drive; and,

WHEREAS, the City’s Wastewater Collection System Master Plan requires the extension of a wastewater main that is twenty-four inches (24”) diameter that is larger than the City’s standard twelve-inch (12”) diameter wastewater mains, and which is also larger than the wastewater main required to serve the Subdivision, in order to serve future development in the area specifically including around the Property; and,

WHEREAS, Developer has agreed to extend the oversized main and all necessary appurtenances related to the oversized main through the property in exchange for cash reimbursement for the difference in cost to construct the oversized main as compared to the cost to construct the City’s minimum standard twelve-inch (12”) diameter line; and,

WHEREAS, Texas Local Government Code, Section 212.071, *et seq.*, authorizes McKinney to contract with a developer and participate in the cost of oversizing public improvements so long as the limit of participation does not exceed 100 percent of the total cost for any oversizing of improvements required by the municipality, including but not limited to increased capacity of improvements to anticipate other future development in the area; and,

WHEREAS, the City Council of the City of McKinney concurs that the agreement is beneficial to both the City and the development and the construction of the Oversized Main by Developer will benefit McKinney by significantly increasing the wastewater capacity associated with such public improvement project in anticipation of other future development in the area specifically including around the property.

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 for the oversizing of a master-planned wastewater line, with SLC McKinney Partners, LP.
- Section 2. Following the City’s acceptance of the twenty-four inch (24”) wastewater main, the City may reimburse the Developer for the difference in cost to construct the oversized main as compared to the cost to construct the City’s minimum standard twelve-inch (12”) diameter line.
- Section 3. The City Council hereby authorizes using funds from WA4354 (Undesignated Oversize Participation) to fulfill the obligations of the oversize reimbursement, in an amount not to exceed \$147,268.57. Should the actual cost of the oversized main exceed the estimated cost difference, the City will agree in

writing, subject to the availability of funds, to an increased level of participation in an amount up to the actual cost of the oversized main.

Section 4. 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 7th DAY OF NOVEMBER, 2017.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary
Denise Vice, TRMC
Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney