

RESOLUTION NO. 2016-10-___ (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 2016 MUNICIPAL ANNEXATION PLAN AMENDMENT

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 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 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 use of the property for agricultural, wildlife management or timber land purposes; and

WHEREAS, several qualifying 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 4TH DAY OF OCTOBER, 2016.**

CITY OF McKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney