

RESOLUTION NO. 2017-04-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE LEASE AND EASEMENT AGREEMENT WITH NORTH TEXAS MUNICIPAL WATER DISTRICT RELATING TO THE LANDFILL TRACT

WHEREAS, the City of McKinney, Texas (“City”), on September 28, 1993, approved a Lease and Easement Agreement with North Texas Municipal Water District (NTMWD); and

WHEREAS, the City of McKinney, Texas (“City”), approved an Amendment to the Lease and Easement Agreement on April 17, 2007, allowing for a first amendment to the Lease and Easement Agreement; and

WHEREAS, the State of Texas, acting through the Texas Department of Transportation acquired a ± 4.812 acre tract of land out of the Landfill Tract (the “Highway Tract”), for use as a right-of-way and related infrastructure for an expansion and construction of Farm-to-Market Road 546; and

WHEREAS, the Parties entered into that certain Interlocal Agreement for Reimbursement of Permit Modification Expenses, which was effective on September 4, 2015, which address certain matters associated with transferring the Highway Tract to TxDOT, including allocating costs, requesting a modification to the Permit, and other matters; and

WHEREAS, while preparing a request to the TCEQ for a permit modification to remove the Highway Tract from the Permit Boundary, NTMWD discovered an inconsistency in the description of the Permit Boundary contained in the Permit; and

WHEREAS, NTMWD obtained approval from the TCEQ of a modification to the Permit to remove the Highway Tract from the Permit Boundary and to correct the inconsistency in the Permit Boundary in the Permit on November 18, 2016; and

WHEREAS, the City Council of the City of McKinney, Texas (“City Council”) desires to authorize the City Manager to amend the Lease and Easement Agreement; and

WHEREAS, a second amendment to the Lease and Easement Agreement with NTMWD will allow for the correction of the Permit Boundary; and

WHEREAS, the City desires to enter into the Second Amendment to Lease and Easement Agreement between the City of McKinney and NTMWD.

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 approves the Second Amendment to the Lease and Easement Agreement with NTMWD.

Section 2. The City Manager is hereby authorized to execute a Second Amendment to the Lease and Easement 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 4th DAY OF APRIL, 2017.

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