

RESOLUTION NO. 2023-03-XXX (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A WASTEWATER IMPACT FEE CREDIT AGREEMENT WITH TMPG HIGHLAND LAKES, LLC, FOR THE CONSTRUCTION OF AN OVERSIZED SANITARY SEWER LINE (EXTENDING 3,468 LINEAR FEET), SERVING AN APPROXIMATELY 343 ACRE DEVELOPMENT (HIGHLAND LAKES), GENERALLY LOCATED ON THE NORTH SIDE OF BLOOMDALE ROAD AND WEST SIDE OF RIDGE ROAD

WHEREAS, Developer is developing a residential subdivision to be known as Highland Lakes, Phases 1 and 2, which property is located on the northwest corner of Bloomdale Road and Ridge Road and is more particularly described in Exhibit A attached hereto (the "Property"); and

WHEREAS, the City's Water and/or Wastewater Improvement Plans (hereinafter referred to individually and collectively as the "Master Plan") require the construction of a twenty-seven inch (27") diameter sanitary sewer line together with all manholes, fittings, connections and appurtenances thereto (the "Oversized Line") extending in a generally northwesterly direction a distance of approximately three thousand four hundred sixty-eight linear feet (3,468') within the subdivision to be known as Highland Lakes, Phases 1 and 2, as reflected in the Utility Project Map attached hereto and incorporated herein by reference as Exhibit C and the components of which Oversized Line are generally described in Exhibit D, to serve future development within the Property; and

WHEREAS, projected demand of the Property only requires the construction of a twelve-inch (12") diameter sanitary sewer line together with all manholes, fittings, connections and appurtenances thereto ("12" Line") upon and across the Property, and Developer has constructed or agreed to construct the Oversized Line upon and across the Property as described and depicted in Exhibit C and Exhibit D, which Exhibits are attached hereto and incorporated herein by reference for all purposes allowed by law, in exchange for reimbursement by the City as described herein below; and

WHEREAS, City has agreed that Developer shall construct the Oversized Line, required by the City's Master Plan, to serve the Property (the "Highland Lakes Sanitary Sewer Line Project" or "Project"); and

WHEREAS, Developer has dedicated, or will dedicate, to the City the necessary right-of-way for the Highland Lakes Sanitary Sewer Line Project; and

WHEREAS, City has previously identified the Oversized Line for which Developer has agreed to construct to be on the City's Master Plan and "Impact Fee Capital Improvement Plan or Capital Improvements Plans for Utility Impact Fees" ("Utility Improvements Plan"), adopted by resolution by the City Council; and

WHEREAS, the cost of constructing the Oversized Line is eligible for construction costs reimbursement from wastewater impact fee credits, calculated in accordance with the Ordinance, and which credits shall attach to the Property; and

WHEREAS, the Developer has requested and the City has agreed to permit any unused utility impact fees to be assigned and transferred to the lots located within the Future Development Property, as hereinafter defined.

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 Wastewater Impact Fee Credit Agreement with TMPG Highland Lakes, LLC.
- Section 2. Following the Developer's construction and acceptance of the described sanitary sewer line, the Developer shall receive wastewater impact fee credits in an amount not to exceed 447.26 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 21ST DAY OF MARCH, 2023.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney