

**RESOLUTION NO. 2022-05-\_\_\_ (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SETTLEMENT AGREEMENT AND MUTUAL RELEASE INCIDENT TO HEMPHILL, LLC V. CITY OF MCKINNEY, TEXAS CIVIL ACTION NO. 4:21-CV-00655, UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF TEXAS (SHERMAN DIVISION) AND A RELATED LAND OPTION AND LEASE AGREEMENT BY AND BETWEEN SAID PARTIES**

**WHEREAS**, the City Council of the City of McKinney, Texas, has determined that it is in the best interest of the citizens of McKinney to settle the pending litigation with Hemphill, LLC; and

**WHEREAS**, the Lease of certain property to Hemphill, LLC is intended to provide the necessary telecommunications infrastructure for residents utilizing cellular telephone services in those affected areas of western portions of McKinney; and;

**WHEREAS**, the City Council desires to direct the City Manager to execute the necessary agreements to effectuate the foregoing.

**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 a Settlement Agreement and Mutual Release incident to Hemphill, LLC v. City of McKinney, Texas civil action no. 4:21-cv-00655, United States District Court, Eastern District of Texas (Sherman Division) and a related Land Option and Lease Agreement by and between said parties.

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 3RD DAY OF MAY 2022.**

CITY OF MCKINNEY, TEXAS

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary  
JOSHUA STEVENSON  
Deputy City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney