



16-990

**TITLE:** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute Development Agreements Associated with the City of McKinney's Pending 2016 Municipal Annexation Plan Amendment

**COUNCIL GOAL:** Direction for Economic and Strategic Growth

**MEETING DATE:** October 4, 2016

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Brian Lockley, AICP, Planning Director  
Jennifer Arnold, Planning Manager  
Aaron Bloxham, Planner I  
Alan Lathrom, Assistant City Attorney

**RECOMMENDED CITY COUNCIL ACTION:**

- Staff recommends approval of the proposed Resolution.

**ITEM SUMMARY:**

- The proposed Resolution authorizes the City Manager to execute all development (pre-annexation) agreements associated with the City's efforts to amend the Municipal Annexation Plan.
- 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 pursuant to Section 212.172 of the Texas Local Government Code.
- Section 212.172 of the Texas Local Government Code, among other things, guarantees: (1) the ETJ status of the property can 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.

- A template of the Development Agreement being offered to qualifying property owners is attached for reference. The anticipated execution of agreements will follow this template, however may include minor modifications based on discussions with qualifying property owners. Any minor modifications to the template agreement will not affect the intent of the agreement and will be reviewed and approved by the City's legal counsel.
- Qualifying properties for which development agreements may be executed are reflected on the attached location map and aerial exhibit.
- At this time, several of the qualifying property owners within the 2016 Municipal Annexation Plan areas have expressed interest in executing a development agreement with the City of McKinney in accordance with Section 212.172 of the Texas Local Government Code.

**BACKGROUND INFORMATION:**

- The annexation of land including amendments to a Municipal Annexation Plan is governed by Section 43 of the Texas Local Government Code. This code section outlines the steps and procedures that must be followed in order to incorporate land that is within a municipality's extraterritorial jurisdiction (ETJ) into its corporate city limits. The proposed amendment to the City's Municipal Annexation Plan is following these statutory obligations.
- At the July 25, 2016 City Council Work Session, City Council directed Staff to move forward with an amendment to the City's Municipal Annexation Plan.

**FINANCIAL SUMMARY:**

- N/A

**BOARD OR COMMISSION RECOMMENDATION:**

- N/A

**SUPPORTING MATERIALS:**

[Resolution](#)

[Location Map and Aerial Exhibit - Area 1](#)

[Location Map and Aerial Exhibit - Area 2](#)

[Development Agreement Template](#)