



16-1195

TITLE: Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute Development Agreements Associated with the City of McKinney's Pending 2017 Municipal Annexation Plan

COUNCIL GOAL: Direction for Economic and Strategic Growth

MEETING DATE: December 6, 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.
- However, Chapter 43 of the Texas Local Government Code does not limit the City's ability to offer these development agreements to other property owners within the Extraterritorial Jurisdiction (ETJ) as well.
- As such, at the November 1, 2016 City Council Regular Meeting, City Council directed Staff to offer development agreements to property owners located along

Stickhorse Lane whom are included in the potential amendment to the City's Municipal Annexation Plan.

- 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 current legal use of the property and/or use of the property for agricultural, wildlife management or timber land purposes.
- A template of the Development Agreement being offered to the identified property owners is attached for reference. The anticipated execution of agreements will follow this template, however may include minor modifications based on discussions with 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.
- At this time, several of the identified property owners within the 2017 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 Chapter 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 annex portions of its Extraterritorial Jurisdiction (ETJ) in association with an amendment to the City's Municipal Annexation Plan.

FINANCIAL SUMMARY:

- N/A

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Proposed Resolution](#)
[Development Agreement Template](#)

Exhibit - Informational Only