

**RESOLUTION NO. 2024-02-020 R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY,  
TEXAS, CONSENTING TO THE CREATION OF A DISTRICT TO BE  
KNOWN AS HONEY CREEK MUNICIPAL MANAGEMENT DISTRICT  
NO. 1**

**WHEREAS,** the landowner within the proposed Honey Creek Municipal Management District No. 1 ("District") intends to petition the Texas Commission on Environmental Quality for the creation of the District to finance and provide public improvements and services to benefit both the property within the District and the City of McKinney, Texas (the "City"); and

**WHEREAS,** the City wishes to evidence its conditional support and consent for the creation of the District within the City's corporate limits, subject to the terms of a Development Agreement to be negotiated between the City and the landowners (the "Development Agreement") and the terms of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:**

Section 1. That the City Council of the City (the "City Council") hereby grants its conditional support and consent for the creation of a district operating pursuant to Article XVI, Section 59 and Article III, Section 52, Texas Constitution and Chapter 375, Texas Local Government Code, as amended (the "Act") within its corporate limits and inclusion of lands within the District (the "Subject Property") which is described more fully in the field notes attached as Exhibit "A", and the City Manager of the City is hereby authorized to execute any documents necessary to effectuate this Resolution.

Section 2. That the City Council further states that it has not relinquished any rights, duties or powers relating to the inclusion of the District within its corporate limits, and specifically its zoning authority.

Section 3. That the City Council further states that this Resolution is provided subject to and in reliance upon the terms of a Development Agreement, which may be entered into between the City and the landowners within the District. The District shall execute a joinder and become a party to the Development Agreement. The City does not consent to the organization of the District, election, or issuance of bonds from any revenue available to the District until the Development Agreement is executed, if at all, and until the City has provided a separate Consent Resolution contemporaneously with the execution of such Development Agreement by the City. This consent further requires the Commission's order under Section 375.026 of the Act to contain a provision whereby the District, if created, shall be automatically dissolved without further action of the City if i) a Development Agreement is not approved and executed by the City on or before September 30, 2024, or ii) the 88<sup>th</sup> Legislature approves Honey Creek Special District No. 1 by special act substantially similar to HB 5356 in a called special session.

Section 4. That the District, if created, shall not exercise the following authority without the additional consent of the City by ordinance or resolution:

- (a) Impose an ad valorem tax on property within the District; or
- (b) Impose an impact fee within the District; or
- (c) Exercise the power of eminent domain; or
- (d) Divide the District; or


(e) Add land to the boundaries of the District in the manner provided by Subchapter J, Chapter 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

Section 5. That the City Council further supports the petition's inclusion of a request for an elected board of directors as provided in Section 375.0645 of the Act. Save and except the foregoing sentence and unless otherwise specifically authorized under the Development Agreement, the amendments to the Act under HB 2815 of the 88<sup>th</sup> Legislature shall not be included in the City's consent hereunder, and the District shall have no corresponding authority.

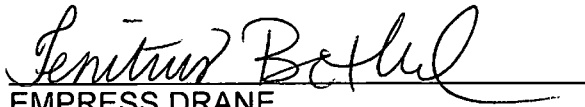
Section 6. That this Resolution take effect immediately from and after its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 6TH DAY OF FEBRUARY, 2024.**

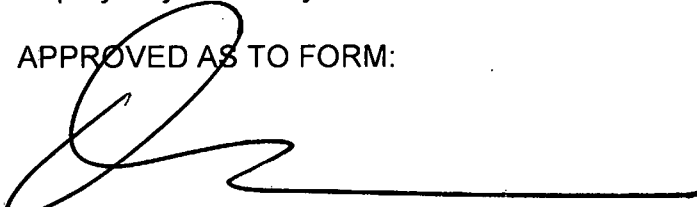
CITY OF MCKINNEY, TEXAS

  
\_\_\_\_\_  
GEORGE C. FULLER  
Mayor  
CHARLIE PHILIPS  
Mayor Pro Tem

ATTEST:

  
\_\_\_\_\_  
EMPRESS DRANE  
City Secretary  
TENITRUS BETHEL  
Deputy City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
MARK S. HOUSER  
City Attorney