

RESOLUTION NO. 2023-02-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF MCKINNEY, TEXAS AND THE TOWN OF FAIRVIEW, TEXAS TO MODIFY THE CITY OF MCKINNEY'S BOUNDARIES BY RELEASING APPROXIMATELY 5.673 ACRES OF UNDEVELOPED LAND FROM MCKINNEY'S EXTRATERRITORIAL JURISDICTION AND 1.423 ACRES OF UNDEVELOPED LAND FROM MCKINNEY'S CORPORATE LIMITS TO THE TOWN OF FAIRVIEW'S EXTRATERRITORIAL JURISDICTION TO ALLOW FAIRVIEW TO PROVIDE GOVERNMENTAL FUNCTIONS AND SERVICES INCLUDING THE PROVISION OF UTILITY SERVICES, ROADWAYS AND RELATED PUBLIC IMPROVEMENTS TO SAID UNDEVELOPED LAND AND ALSO AUTHORIZING THE CITY MANAGER TO EXECUTE A DECLARATION OF RESTRICTIONS IN FAVOR OF THE CITY OF MCKINNEY WITH THE OWNERS OF SAID LAND; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas ("McKinney"), and The Town of Fairview, Texas ("Fairview," and collectively, the "Parties") have been separately approached by the owners (the "Pruitts") of approximately 247,136 square feet or 5.673 acres of land in the F.T. Duffau Survey, Abstract No. 287, Collin County, Texas, (the "Pruitt Tract") that is situated in the extraterritorial jurisdiction ("ETJ") of the City of McKinney inquiring regarding the availability and proximity of water and sanitary sewer facilities that would readily allow for the development of the Pruitt Tract; and

WHEREAS, the Pruitts have also approached the Heard Natural Science Museum and Wildlife Sanctuary, Inc. (the "Heard Museum"), about trading the western-most approximately 1.423 acres of the Pruitt Tract (the "Pruitt Exchange Parcel") with the Heard Museum for an approximately 1.423 acres of land in the corporate limits of the City of McKinney owned by the Heard Museum abutting the eastern boundary line of the Pruitt Tract (the "Heard Parcel"); and

WHEREAS, the McKinney and Fairview desire to enter into an Interlocal Cooperation Agreement Regarding Certain Jurisdictional Boundaries, attached hereto as **Exhibit A**, (the "Interlocal Agreement") to perform certain governmental functions such as the determination of corporate limit and extraterritorial boundaries, provide utility services, and construction of roadways and related public improvements to serve the Pruitt Tract and the Heard Parcel; and

WHEREAS, the Parties have determined that the Agreement is in each party's best interests and the best interests of their respective citizens; and

WHEREAS, the Parties have agreed to enter into the Interlocal Agreement pursuant to Section 791.001, *et seq.*, of the Texas Government Code and Sections 42.022(d), 42.023, 43.003 and 43.015 of the Texas Local Government Code to reduce their extraterritorial jurisdiction, fix their boundaries, and exchange areas with each other; and

WHEREAS, the approximately 7.096 acres of land that will be released from McKinney's corporate limits and/or extraterritorial jurisdiction into Fairview's extraterritorial jurisdiction is as described on Exhibit "D" of the Interlocal Agreement attached hereto as Exhibit A (the "Released Land"); and

WHEREAS, the Pruitts and the Heard Museum have entered into the Declaration of Restrictions attached hereto as Exhibit "B," and incorporated herein by reference for all purposes allowed by law, in favor of the City of McKinney as Beneficiary thereunder that will prohibit certain uses and permit certain

other uses on the Released Land for a period of thirty (30) years as set out in said Declaration of Restrictions;

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

- Section 1. The City Manager is hereby authorized to execute the Interlocal Agreement releasing the Released Land from the City of McKinney's ETJ and/or corporate limits as applicable.
- Section 2. The City Manager is also hereby authorized to execute the Declaration of Restrictions controlling the uses that can be made of the Released Land for a period of thirty (30) years.
- Section 3. This Resolution shall be effective from and after its approval and adoption by the City Council as provided by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 7th DAY OF FEBRUARY 2023.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT A

**INTERLOCAL COOPERATION AGREEMENT REGARDING CERTAIN
JURISDICTIONAL BOUNDARIES**

EXHIBIT B

DECLARATION OF RESTRICTIONS