

RESOLUTION NO. 2023-10-XXX (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE THIRD AMENDMENT TO 2012 AGREEMENT CONCERNING CREATION AND OPERATION OF MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY AND THE THRID AMENDMENT TO 2012 AGREEMENT CONCERNING CREATION AND OPERATION OF MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 2 OF COLLIN COUNTY; CONSENTING TO THE ANNEXATION OF 42.60 ACRES INTO MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY FROM AND AFTER ITS PASSAGE AND ADOPTION

WHEREAS, the City of McKinney, Texas (“City”) is a party to that certain Second Amendment to 2012 Agreement Concerning Creation and Operation of McKinney Municipal Utility District No. 1 of Collin County, and;

WHEREAS, the City desires to enter into that certain Third Amendment to 2012 Agreement Concerning Creation and Operation of McKinney Municipal Utility District No. 1 of Collin County (“Amendment No. 3”), and;

WHEREAS, the City is a party to that certain Second Amendment to 2012 Agreement Concerning Creation and Operation of McKinney Municipal Utility District No. 2 of Collin County; and;

WHEREAS, the City desires to enter into that certain Third Amendment to 2012 Agreement Concerning Creation and Operation of McKinney Municipal Utility District No. 2 of Collin County (“Amendment No. 3A”); and;

WHEREAS, Texas Water Code, Section 54.016, as amended, provides that no land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included within a municipal utility district unless such city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district; and,

WHEREAS, the approval and execution of Amendment No. 3 and Amendment No. 3A are in the best interest of the City.

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

Section 1. The foregoing recitals are hereby incorporated into the body of this Resolution.

Section 2. The City Council has determined that Amendment No. 3 and Amendment No. 3A are in the best interest of the City, and the City Council hereby approves Amendment No. 3 and Amendment No. 3A.

Section 3. The City Manager is hereby authorized to execute and deliver Amendment No. 3 and Amendment No. 3A on behalf of the City, including any non-substantive modifications thereto which are consistent with this Resolution.

Section 4. The City Council hereby gives its written consent to the annexation into McKinney Municipal Utility District No. 1 of Collin County of the 42.60 acres of land described in Exhibit “A” attached hereto and made a part hereof for all purposes.

Section 5. This Resolution shall take effect immediately from and after the date of its passage and it is so resolved.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, ON THE 2nd DAY OF OCTOBER 2023.**

CITY OF McKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary
TENITRUS BETHEL
Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney