

RESOLUTION NO. 2026-04-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A NON-EXCLUSIVE REVOCABLE LICENSE AGREEMENT WITH ENCORE WIRE CORPORATION FOR THE CONSTRUCTION, INSTALLATION, AND MAINTENANCE OF ONE PRIVATE IRRIGATION LINE AND ONE DATA CONDUIT LINE WITHIN THE PUBLIC RIGHT-OF-WAY COMMONLY KNOWN AS SOUTH AIRPORT DRIVE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Encore Wire Corporation owns property on both sides of South Airport Drive and desires to install certain private improvements that will cross the City's public right-of-way; and

WHEREAS, the requested improvements consist of one private irrigation line and one data conduit line (collectively, the "Encroaching Improvements") to be located within the public right-of-way (the "ROW Area"); and

WHEREAS, the City Council finds that the use of a revocable license agreement is an appropriate mechanism to allow private encroachments within public right-of-way while preserving the City's paramount rights to use and control such right-of-way; and

WHEREAS, the proposed agreement requires that Encore Wire Corporation construct, operate, maintain, repair, and, if necessary, remove or relocate the Encroaching Improvements at its sole cost and expense, and further requires Encore Wire Corporation to indemnify and hold the City harmless from any claims arising from such improvements; and

WHEREAS, the agreement is non-exclusive and revocable, with an initial term of one (1) year and automatic annual renewals, and allows the City to require removal or relocation of the Encroaching Improvements if needed for public purposes; and

WHEREAS, the City Council finds that approval of the agreement is consistent with the City's policies regarding protection of public infrastructure and accommodation of private development in a manner that does not create long-term liability for the City; and

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

Section 1. The City Council hereby authorizes the City Manager, or designee, to execute a Non-Exclusive Revocable License Agreement between the City of McKinney and Encore Wire Corporation for the installation and maintenance of Encroaching Improvements within the public right-of-way known as South Airport Drive, in substantially the form attached hereto as Exhibit A.

Section 2. The City Manager is further authorized to execute all necessary documents and take all necessary actions to implement this Resolution.

Section 3. The approval of this Resolution does not waive any requirements of the City of McKinney Code of Ordinances, and Encore Wire Corporation shall be required to obtain all necessary permits and approvals prior to construction.

Section 4. This Resolution shall take effect immediately from and after the date of passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF

McKINNEY, TEXAS ON THE 7th DAY OF APRIL, 2026.

CITY OF McKINNEY, TEXAS

BILL COX, Mayor
GERÉ FELTUS, Mayor Pro Tem

ATTEST:

EMPRESS DRANE, City Secretary
TENITRUS PARCHMAN, Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER, City Attorney
BENJAMIN SAMPLES, First Assistant City Attorney
ALAN LATHROM, Assistant City Attorney

EXHIBIT A

Non-Exclusive Revocable License Agreement