

RESOLUTION NO. 2023-06-085 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, IDENTIFYING THE CITY'S INTENT TO ANNEX AN AREA OF LAND IDENTIFIED HEREIN HAVING A POPULATION OF LESS THAN 200 PERSONS AND AUTHORIZING THE CITY MANAGER TO EXECUTE DEVELOPMENT AGREEMENTS IN ASSOCIATION WITH THE PROPOSED ANNEXATION OF SAID LAND IN THE JOHN EMBERSON SURVEY, ABSTRACT NUMBER 294, AND THE MEREDITH HART SURVEY, ABSTRACT NUMBER 371, INCLUDING A PORTION OF FARM-TO-MARKET 543 AND COUNTY ROAD 202 ADJACENT THERETO, LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

WHEREAS, the annexation of property into the corporate limits of a city such as the City of McKinney, Texas is authorized and regulated by Chapter 43 of the Texas Local Government Code; and

WHEREAS, Subchapter C-4 of Chapter 43 of the Texas Local Government Code allows for the annexation by a city of areas with a population of less than 200 by petition; and

WHEREAS, Section 43.0681(2) of the Texas Local Government Code requires a city to obtain consent to annex the area by a petition signed by more than 50 percent of the owners of land in the area; and

WHEREAS, Section 43.0682 of the Texas Local Government Code requires that before a city may annex an area under Subchapter C-4, the city must first adopt a resolution that includes:

1. a statement of the city's intent to annex the area;
2. a detailed description and map of the area;
3. a description of each service to be provided by the city in the area;
4. a list of each service the city will provide on the effective date of the annexation; and
5. a schedule that includes the period within which the city will provide each service that is not provided on the effective date of the annexation.

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

Section 1. The City of McKinney, Texas ("City") intends to annex the following described three tracts of land together with the abutting portions of Farm-to-Market Road 543 ("FM 543") and County Road 202 ("CR 202") as required by Texas law:

- (a) a tract of land identified as Block 1, Tract 43 in the John Emberson Survey, Abstract 294, containing approximately 38.9480 acres of land ("Tract 1");
- (b) a tract of land identified as Sheet 1, Tract 42 in the Meredith Hart Survey, Abstract 371 containing approximately 29.839 acres of land ("Tract 2"); and

- (c) a tract of land identified as Sheet 1, Tract 37 in the Meredith Hart Survey, Abstract 371 containing approximately 54.205 acres of land ("Tract 3"); and
- (d) a portion of FM543 situated between Tract 1 and Tract 2 together with that portion of CR 202 adjacent to Tracts 2 and/or 3.

Tract 1 is situated adjacent to the eastern side of CR 229 and the northern side of FM 543. Tract 2 is situated adjacent to the eastern side of CR 202 and the southern side of FM 543. Tract 3 abuts the southern boundary of Tract 2 and the eastern side of CR 202. The section of FM 543 proposed to be annexed abuts the southern boundary of Tract 1 and the northern boundary of Tract 2. The sections of CR 202 proposed to be annexed abuts the western boundaries of Tracts 2 and/or 3. The above-described area intended to be annexed are depicted in the map attached hereto as Exhibit A and incorporated herein by reference for all purposes allowed by law.

- Section 2. A description of the services to be provided by the City in the area intended to be annexed on or after the effective date of the annexation is set out in Exhibit B attached hereto and incorporated herein by reference for all purposes allowed by law. Exhibit B also includes a list of each service the City will provide on the effective date of the annexation as well as a schedule that includes the period within which the City will provide each service that is not provided on the effective date of the annexation.
- Section 3. The City Council of the City of McKinney, Texas hereby authorizes the City Manager to direct Staff to perform all necessary activities required to carry out the City's intended annexation of the areas identified herein in accordance with Subchapter C-4 of the Texas Local Government Code.
- Section 4. The City Council of the City of McKinney, Texas hereby authorizes the City Manager to execute all development and annexation agreements associated with the City's intent to annex the above-identified areas of land situated in the John Emberson Survey, Abstract Number 294, and in the Meredith Hart Survey, Abstract Number 371.
- Section 5. This Resolution shall take effect immediately from and after the date of passage and is so resolved.


DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 20TH DAY OF JUNE 2023.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

ATTEST:



EMPRESS DRANE
City Secretary

APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney

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EXHIBIT A

Map of the Area Intended to be Annexed

(Consisting of the following two pages.)

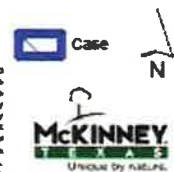


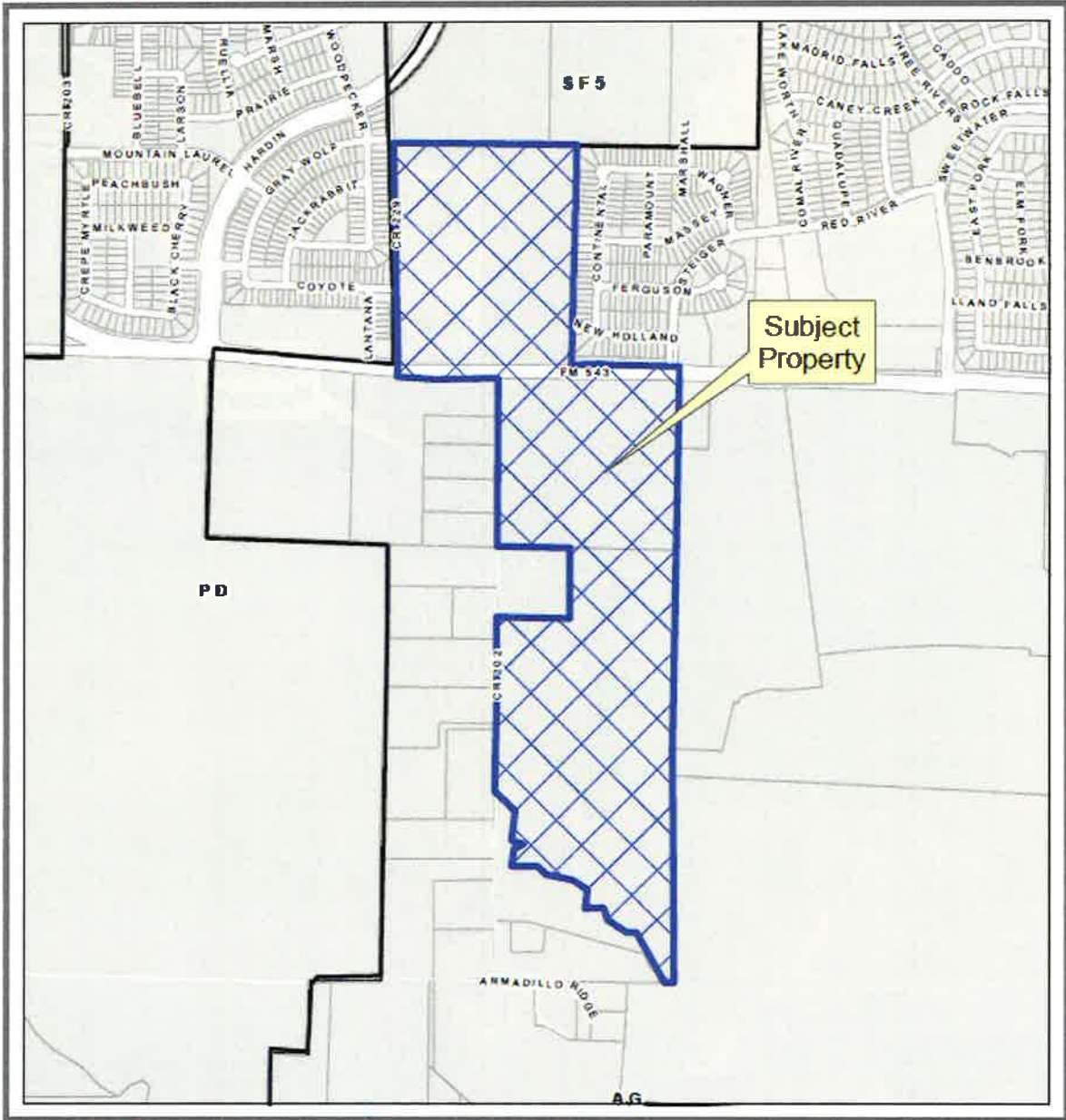
Location Map

R-6294-001-0430-1
 R-6371-001-0420-1
 R-6371-001-0370-1



DISCLAIMER: This map and information contained hereon was developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone other than that party's use and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or omissions which may exist.





Location Map

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EXHIBIT B

DESCRIPTION OF CITY SERVICES TO BE PROVIDED TO AREA PROPOSED FOR ANNEXATION

This Description of City Services to be Provided to the Area Proposed to be Annexed ("Plan") was prepared by the City of McKinney, Texas ("City") pursuant to Texas Local Government Code § 43.0682 for approximately 127 acres of land in the John Emberson Survey, Abstract Number 294, and in the Meredith Hart Survey, Abstract Number 371, Collin County, Texas, that is located in the extraterritorial jurisdiction of the City of McKinney, Collin County, Texas ("ETJ") in an area generally located in an area adjacent to the eastern side of CR 229 and extending in a northerly from the northern side of FM 543, and the eastern side of CR 202 and extending in a southerly direction from the southern side of FM 543 in the ETJ of the City of McKinney, Collin County, Texas (the "Annexed Area").

Municipal services shall be provided to the annexed tract(s) of land upon its annexation into the corporate limits of the City of McKinney, Texas, in accordance with the following provisions and Texas Local Government Code § 43.0682.

A. POLICE PROTECTION:

1. Police personnel and equipment from the McKinney Police Department shall be provided to the Annexed Area on the effective date of the annexation.
2. Police protection services shall be provided at a level of services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the Annexed Area, whichever is applicable, from and after the effective date of the annexation.

B. FIRE PROTECTION:

1. Fire protection and Emergency Medical Services (EMS) from the McKinney Fire Department shall be provided to the Annexed Area on the effective date of the annexation.
2. Fire protection services shall be provided at a level of services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the Annexed Area, whichever is applicable, from and after the effective date of the annexation.

C. FIRE PREVENTION:

The services of the City of McKinney Fire Marshal shall be provided to the Annexed Area upon the effective date of the annexation.

D. SOLID WASTE COLLECTION:

1. Solid waste collection shall be provided to the Annexed Area upon the effective date of the annexation.
2. Solid waste collection services shall be provided at a level of service at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the Annexed Area, whichever may be applicable, from and after the effective date of the annexation.

3. The collection of refuse from individual properties shall be made in accordance with the usual Sanitation Department scheduling from and after the effective date of the annexation. Residential customers may utilize the North Texas Municipal Water District - McKinney Landfill in accordance with City ordinances from and after the effective date of the annexation.

E. WATER SERVICE:

1. For portions of the Annexed Area within the City of McKinney legally certificated area (CCN) the City of McKinney shall provide water services to this Annexed Area by any of the methods by which it extends the services to any other area of the municipality from and after the effective date of the annexation. For new development, the City of McKinney requires the owner or developer of such property to construct the necessary infrastructure to meet the needs of the development. This requirement may also include off-site improvements.
2. For portions of the Annexed Area within the City of McKinney legally certificated area (CCN), the City of McKinney shall allow the provision of extensions of water facilities to the Annexed Area on the effective date of the annexation. Such extensions shall be in accordance with the applicable provisions of the Code of Ordinances, City of McKinney, Texas and as amended.
3. Connection to existing city water mains for water service will be provided in accordance with existing City Policies from and after the effective date of the annexation. Upon connection to existing mains, water will be provided at rates established by City Ordinance.
4. For portions of the Annexed Area within the City of McKinney legally certificated area (CCN), water services shall be provided at a level of services at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the Annexed Area, whichever may be applicable, from and after the effective date of the annexation.
5. Water mains installed or improved to City standards within the Annexed Area which are part of the City of McKinney water system and are located within dedicated easements, rights-of-way, or any other acceptable location approved by the City Engineer, shall be maintained by the City of McKinney from and after the effective date of the annexation.
6. Maintenance of private lines will be the responsibility of the owner or occupant.
7. Where other water districts provide water service, the development shall still meet the City of McKinney standards for the sizing and construction of utilities from and after the effective date of the annexation.

F. SANITARY SEWER SERVICE:

1. The City of McKinney shall provide sewer services to this Annexed Area by any of the methods by which it extends the services to any other area of the municipality from and after the effective date of the annexation. For new development, the City of McKinney requires the owner or developer of such property to construct the necessary infrastructure to meet the needs of the development. This requirement may also include off-site improvements.
2. The City of McKinney shall allow the provision of extensions of sanitary sewer facilities to the Annexed Area from and after the effective date of the

annexation. Such extensions shall be in accordance with the applicable provisions of the Code of Ordinances, City of McKinney, Texas and as amended.

3. Connection to existing city sanitary sewer mains for sewage service will be provided in accordance with existing City Policies from and after the effective date of the annexation. Upon connection to existing mains, sanitary sewer collection will be provided at rates established by City Ordinances.
4. Sanitary sewer services shall be provided at a level of services at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the Annexed Area, whichever may be applicable, from and after the effective date of the annexation.
5. Sanitary sewer mains and lift stations installed or improved to City Standards within the Annexed Area which are located within dedicated easement, rights-of-way, or any other acceptable location approved by the City Engineer, shall be maintained by the City of McKinney from and after the effective date of the annexation.

G. STREETS:

1. Emergency street maintenance shall be provided for publicly dedicated streets or roads within the Annexed Area from and after the effective date of the annexation. Routine maintenance will be scheduled as part of the City's annual street maintenance program in accordance with the then current policies and procedures defined by ordinance from and after the effective date of the annexation.
2. Street services shall be provided at a level of services at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the Annexed Area, whichever may be applicable, from and after the effective date of the annexation.

H. PARKS AND RECREATION:

1. The City of McKinney shall provide parks and recreation services to this Annexed Area by any of the methods by which it extends the services to any other area of the municipality from and after the effective date of the annexation. For new development, the City of McKinney requires the owner or developer of the property to construct hike/bike trails in keeping with the Parks Master Plan. Additionally, new developments must still satisfy the parkland dedication requirements that call for land or fees in lieu of land for park.
2. Residents within the Annexed Area may utilize all existing park and recreation facilities from and after the effective date of the annexation. Fees for such usage shall be in accordance with current fees established by ordinance from and after the effective date of the annexation.
3. Additional park and recreation facilities shall be constructed based on Park policies defined in the ONE McKinney 2040 Comprehensive Plan as amended, and the Parks Master Plan from and after the effective date of the annexation. The general planned locations and classifications of parks will ultimately serve residents from the current city limits and residents from the Annexed Area from and after the effective date of the annexation.

I. ENVIRONMENTAL HEALTH AND CODE ENFORCEMENT SERVICES:

1. Enforcement of current environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicles ordinances and animal control ordinances, shall begin within the Annexed Area upon the effective date of the annexation.
2. Inspection services, including but not limited to, the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical, and electrical work to ensure compliance with City Codes and Ordinances will be provided within the Annexed Area from and after the effective date of the annexation.
3. The City shall provide the level of Environmental Health and Code Enforcement Services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the Annexed Area, whichever may be applicable, from and after the effective date of the annexation.

J. PLANNING AND ZONING:

The areas intended to be annexed shall be zoned in conjunction with the annexation of such tract(s) of land pursuant to the Unified Development Code of the Code of Ordinances, City of McKinney, Texas. The Future Land Use Plan or "Land Use Diagram" adopted with the ONE McKinney 2040 Comprehensive Plan as amended will serve as a guide for consideration of future zoning requests from and after the effective date of the annexation.

K. MISCELLANEOUS:

Any city owned facility, building, or service located within the Annexed Area shall be operated and maintained by the City from and after the effective date of the annexation.

L. CAPITAL IMPROVEMENTS PROGRAM

The Annexed Area is immediately eligible for Capital Improvement Program consideration upon the effective date of annexation.

- M. Other municipal services for areas not specifically listed in Sections A-K shall be provided to the Annexed Area no later than two and one-half years after the effective date of the annexation, unless certain services cannot reasonably be provided within two and one-half years. In that case, the City shall propose a schedule for providing certain services, and the schedule shall provide for the provision of full municipal services to the Annexed Area no later than four and one-half years after the effective date of the annexation.