

**RESOLUTION NO. 2023-12-\_\_\_\_ (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT AMONG NORTH TEXAS MUNICIPAL WATER DISTRICT, THE CITY OF MCKINNEY, AND COLLIN COUNTY FOR THE CONVEYANCE OF REAL PROPERTY.**

**WHEREAS,** this Agreement is being entered into pursuant to the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, as amended (the “Act”); and

**WHEREAS,** under the Act, property may be sold, assigned, and transferred at market value or for no consideration; and

**WHEREAS,** McKinney owns and/or maintains 6.076 acres (264,677 square feet) of the Bloomdale Road Right-of-Way, from approximately 700 feet west of Lake Forest Drive to approximately 650 feet west of Baneberry Lane (the “Bloomdale Property”); and

**WHEREAS,** McKinney desires to convey and NTMWD desires to purchase the Bloomdale Property for capital improvement projects, including the installation of two water pipelines to support the NTMWD Regional Water System (the “Project”), to occur in two phases of construction; and

**WHEREAS,** Phase 1 of the Project shall include installing the 1st NTMWD Pipe and performing all work appurtenant thereto, including the relocation of certain city facilities, such as storm drainage, electrical, and communication lines, within the Bloomdale Property as needed for the construction of the 1st NTMWD Pipe and operation of the Bloomdale Road roadway system (“Road System”), as more particularly described in Exhibit B, attached hereto and incorporated by reference; and

**WHEREAS,** Phase 2 of the Project shall include the removal of the Existing Pavement and construction of the 2nd NTMWD Pipe, as more particularly described in Exhibit B, attached hereto and incorporated by reference; and

**WHEREAS,** NTMWD will allow the currently existing Bloomdale Road pavement (the “Existing Pavement”) to remain open for public use until the proposed U.S. 380 Bypass Service Road from Lake Forest to Ridge Road (the “Service Road”) is constructed by the County and open to the public; and

**WHEREAS,** NTMWD will grant a right of way easement to McKinney (the “ROW Easement”) to maintain the existing Roadway System as well as the Bloomdale Road storm drainage system (“Drainage System”) prior to the construction of the 2nd NTMWD Pipe; and

**WHEREAS,** after construction of the 2nd NTMWD Pipe, the ROW Easement will be reduced to only include a storm drainage easement for Bloomdale Road (the “Drainage Easement”); and

**WHEREAS,** NTMWD will clear and maintain the grass median of the Bloomdale Property; and

**WHEREAS,** McKinney will retain the southernmost 15-foot right-of-way of Bloomdale Road for city infrastructure and franchise utilities that is separate and apart from the Bloomdale Property; and

**WHEREAS,** the Existing Pavement shall remain in operation until the County completes construction of the Service Road, at which time the County will barricade the Existing Pavement; and

**WHEREAS**, upon completion of Phase 2 of the Project, the Drainage System will be modified; and

**WHEREAS**, any existing crossing facilities will require NTMWD to grant easement(s) across the Bloomdale Property; and

**WHEREAS**, transition pavement will be provided by NTMWD, beginning at the Existing Pavement and running to County Road 123; and

**WHEREAS**, all work performed as a part of this Agreement shall meet the latest standards of the Code of Ordinances of the City of McKinney, Texas (“McKinney Code”); and

**WHEREAS**, the City Council of the City of McKinney concurs that the agreement is in the best interests of the City, NTMWD, and Collin County, and it is deemed mutually beneficial to each that the agreement be executed.

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

Section 1. The City Council of the City of McKinney, Texas hereby authorizes the City Manager to enter into an Interlocal Cooperation Agreement among North Texas Municipal Water District, the City of McKinney, and Collin County for the conveyance of real property.

Section 2. 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 5<sup>TH</sup> DAY OF DECEMBER, 2023.**

CITY OF MCKINNEY, TEXAS

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GEORGE C. FULLER  
Mayor  
CHARLIE PHILIPS  
Mayor Pro Tem

ATTEST:

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EMPRESS DRANE  
City Secretary  
TENITRUS BETHEL  
Deputy City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney