

RESOLUTION NO. 2025-01-____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A FACILITIES AGREEMENT WITH JEN TEXAS 22 LLC (“DEVELOPER”) IN CONJUNCTION WITH GRBK EDGEWOOD LLC, DREES CUSTOM HOMES, L.P., BLOOMFIELD HOMES, L.P., CYRENE AT PAINTED TREE LLC, TSHH LLC, and CYRENE AT PAINTED TREE ONE LLC (INDIVIDUALLY AND COLLECTIVELY HEREINAFTER REFERRED TO AS “OWNERS”) FOR 24 LOTS WITHIN THE PAINTED TREE SUBDIVISION, LOCATED IN THE CITY OF MCKINNEY, TEXAS, SITUATED APPROXIMATELY 950 LINEAR FEET NORTH OF US 380, BETWEEN LAKE FOREST DRIVE AND HARDIN BOULEVARD AND SOUTH OF WILMETH ROAD

WHEREAS, Section 4.2.B of the Engineering Design Manual generally prohibits residential and non-residential structures from being located within drainage easements and floodplains and strictly regulates proposed developments occurring within the Federal Emergency Management Administration (“FEMA”) floodway/floodplain located within the “Special Flood Hazard Area” as shown on the current effective Flood Insurance Rate Map (“FIRM”) for the area in question; and also requires a developer or property owner to obtain a Letter of Map Revision (“LOMR”) from FEMA that defines or redefines the location of a FEMA floodway/floodplain shown on the FIRM before the record plat for a development project which seeks to develop land that is located within a Special Flood Hazard Area may be filed for record with Collin County; and

WHEREAS, DEVELOPER and OWNERS request the approval and recording of the final plat(s) and/or record plat(s) of the various phases of the Subdivision (each being a “Final/Record Plat”) as the Final/Record Plats for the various phases within the districts thereof are ready for approval and each of the Floodplain Lots within each such proposed Final/Record Plat being identified as (1) “Subject to a Requested LOMR-F” if still awaiting a determination from FEMA, or (2) “Granted a LOMR-F” if FEMA has issued a LOMR-F, or (3) “Floodplain” or “Drainage Easement” or “No-Build Area” as required by the Subdivision Regulations and the Engineering Design Manual if FEMA denied a LOMR-F for a particular Floodplain Lot; and

WHEREAS, DEVELOPER and OWNERS have entered into a separate contract with one or more Engineering or Surveying consultant(s) for the preparation of a request to be submitted to FEMA for consideration of (1) a request for the issuance of a LOMR-F for each of the Floodplain Lots and (2) a LOMR to change the FEMA floodway/floodplain designation of the Floodplain Lots and redefine the location of the FEMA floodway/floodplain within the Subdivision, and has agreed to escrow with the CITY an amount covering 120% of the total cost of said contract(s); and

WHEREAS, DEVELOPER and OWNERS have entered into a separate contract with one or more Engineering or Surveying consultant(s) to prepare and submit and obtain approval of (1) revisions and/or amendments to the Applicable Plat(s) as may be required to accurately reflect FEMA’s determination set out in the LOMR-F regarding each Floodplain Lot for which a LOMR-F is approved or issued or disapproved in each Impacted Phase; and (2) such revisions and/or amendments to the Applicable Plat(s), or portions thereof, as may be required to accurately reflect FEMA’s determination regarding the LOMR issued by FEMA for the Subdivision to bring the designation of such Floodplain Lots and the Impacted Phases including the revised location of the FEMA floodway/floodplain into full conformity with the Subdivision Regulations and has also agreed to escrow with the CITY an amount covering 120% of the total cost of said contract.

WHEREAS, CITY and LANDOWNER desire to enter into a Facilities Agreement through a Development Agreement authorized by Section 212.172 of the Texas Local Government Code that will allow for the conditional deferral of the property owner to obtain a Letter of Map Revision (“LOMR”) from FEMA that defines or redefines the location of a FEMA floodway/floodplain shown on the FIRM prior of the final plat(s) and/or record plat(s) of the various phases of the Subdivision (each being a “Final/Record Plat”) as the Final/Record Plats for the various phases within the districts thereof.

WHEREAS, The City Council of the City of McKinney concurs that the agreement is in the best interests of both the City and the Developer, and it is deemed mutually beneficial to each that the recording of the Project Plat(s) proceed.

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 a Facilities Agreement for 24 Lots within the Painted Tree Subdivision.

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 21st DAY OF JANUARY, 2025.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER, Mayor
GERÉ FELTUS, Mayor Pro Tem

ATTEST:

EMPRESS DRANE, City Secretary
TENITRUS BETHEL, Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER, City Attorney
ALAN LATHROM, Assistant City Attorney