

**RESOLUTION NO. 2025-05-XXX (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDED AND RESTATED FACILITIES AGREEMENT WITH TIMBER CREEK PROPERTIES, LLC, REGARDING THE CONSTRUCTION OF ROAD AND PARK IMPROVEMENTS ASSOCIATED WITH THE TIMBER CREEK DEVELOPMENT, GENERALLY LOCATED SOUTH OF BLOOMDALE ROAD AND ON BOTH SIDES OF HARDIN BOULEVARD**

**WHEREAS,** CITY and DEVELOPER's predecessor-in-interest Jobe Company, Inc. entered that certain Facilities Agreement for Timber Creek Addition on or about the 10th day of October 2002, and filed for record with the Collin County Clerk's Office on October 17, 2002, and recorded as Document No. 2002-0151295 (the "Original Agreement"); and

**WHEREAS,** CITY and DEVELOPER entered that First Amended Facilities Agreement for Timber Creek Addition on or about the 7<sup>th</sup> day of May 2013, and filed for record with the Collin County Clerk's Office on May 9, 2013, and recorded as Document No. 20130509000637710 (the "First Amendment"); and

**WHEREAS,** CITY and DEVELOPER now desire to amend, replace and supersede all provisions of the Original Agreement and the First Amendment by and through this Agreement; and

**WHEREAS,** the Subdivision Regulations of the City of McKinney, Texas contained in Article 3 of the Unified Development Code, Chapter 150 of the Code of the City of McKinney, Texas (the "Subdivision Regulations") establish procedures and standards for the development and subdivision of real estate and for the surveying and platting thereof, requiring the installation of adequate public facilities to serve the subject property and providing penalties for violations, among other things; and

**WHEREAS,** Section 302B of the Subdivision Regulations requires the execution of a Facilities Agreement prior to the issuance of a Development Permit; and

**WHEREAS,** the development of the subdivision to be known as *Timber Creek Addition* involves the deferral of certain public facilities necessary to serve the development of the Property, certain pro rata payments, city participation in cost, escrow deposits or other future considerations, and/or other nonstandard development regulations that trigger the requirement for a Facilities Agreement by and between the CITY and the DEVELOPER in accordance with Section 302A of the Subdivision Regulations, as amended; and

**WHEREAS,** the Subdivision Regulations also prohibit recording the Final Plat of a subdivision within the incorporated area of the CITY until the DEVELOPER has completed all of the public facilities required to serve the property being developed that must be dedicated to the City ("Public Improvements") or has entered into a Facilities Agreement and guaranteed to the satisfaction of the CITY such improvements will be installed; and

**WHEREAS,** DEVELOPER requests the recording of the Record Plat of one or more phases of a subdivision in the CITY known as *Timber Creek Addition*, which subdivision is being developed and platted in phases (hereinafter referred to as the "Plat," whether one or more) prior to the completion and acceptance of certain of the Public Improvements required to serve the subdivision as are identified in Exhibit B attached to this Agreement (the "Required Improvements"); and

**WHEREAS,** DEVELOPER agrees that the Required Improvements identified in Exhibit B attached to this Agreement will be installed after recordation of said Plat under the guarantees provided to the CITY as set forth herein.

**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 execute the Second Amended and Restated Facilities Agreement with Timber Creek Properties, LLC.

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 20<sup>th</sup> DAY OF MAY, 2025.**

CITY OF MCKINNEY, TEXAS

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary  
TENITRUS BETHEL PARCHMAN  
Deputy City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney