

RESOLUTION NO. 2024-07-XXX (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A FACILITIES AGREEMENT FOR TRINITY MCKINNEY ADDITION, LOTS 1 & 2, BLOCK A, LOCATED IN THE ETJ OF MCKINNEY ON THE EAST SIDE OF TRINITY FALLS PARKWAY, APPROXIMATELY 200 LINEAR FEET SOUTH OF WESTON ROAD

WHEREAS, Article 3 of the Unified Development Code of the City of McKinney, Texas, contained in Chapter 150 of the City's Code of Ordinances (the "Subdivision Regulations") establishes 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 301C of the Subdivision Regulations extends the application of the Subdivision Regulations to all of the area outside of the corporate limits of the CITY, but within the extra-territorial jurisdiction of the CITY ("ETJ"); and

WHEREAS, Section 302B(1)(c) of the Subdivision Regulations requires the execution of a Facilities Agreement prior to the issuance of a Development Permit for the clearing, grading, filling, dredging, or construction of public streets, utilities, or drainage, or other improvements which may affect adjacent or surrounding properties in certain circumstances described in Section 302A of the Subdivision Regulations, as amended; and

WHEREAS, the development of the subdivision to be known as ***Trinity McKinney Addition, Lots 1 & 2, Block A***, situated in the ETJ of the City of McKinney, involves certain future considerations and/or other nonstandard development regulations that trigger the requirement for a Facilities Agreement by and between the CITY and the LANDOWNER 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 LANDOWNER has completed all of the public facilities required to serve the property being developed that must be dedicated to the City ("Public Improvements") or have entered into a Facilities Agreement and guaranteed to the satisfaction of the CITY such improvements will be installed; and

WHEREAS, Weston Road (Farm to Market Road 543) is classified as a six-lane Major Arterial roadway on the City's Master Thoroughfare Plan, with a minimum required right-of-way of 124 feet, a future extension of which is preliminarily depicted as crossing a portion of the Property, as hereinafter defined; and

WHEREAS, the final location of the future Weston Road extension will not be determined until the City completes the design work for said extension (the "Roadway Design Project"), and no timeline has been set to complete such work; and

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 requires LANDOWNER to defer dedication of the 124-foot right-of-way and all necessary easements for the future construction of Weston Road and grant to the CITY a blanket surface easement over Lots 1 and 2, Block A of the Property as depicted in the agreement, hereto, that prevents the installation of any improvements (other than those indicated in the agreement) over such area that interfere with the future construction of Weston Road until that time in which the City completes the Roadway Design Project so as to allow LANDOWNER to record the Final Plat of the subdivision in the ETJ, to be known as ***Trinity McKinney Addition, Lots 1 & 2, Block A*** (the "Plat").

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 Trinity McKinney Addition, Lots 1 & 2, Block A.
- 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 16th DAY OF JULY, 2024.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary
TENITRUS BETHEL
Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney