

**RESOLUTION NO. 2023-11-XXX (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PRE-ANNEXATION AGREEMENT BETWEEN THE CITY OF MCKINNEY, TEXAS, AND HIJO, LTD., AND SUTTON FIELD INVESTMENTS, LLC, GENERALLY TO ESTABLISH USE AND DEVELOPMENT STANDARDS, PARKLAND DEDICATION, INFRASTRUCTURE REQUIREMENTS, AND PROPORTIONALITY/IMPACT FEES FOR RESIDENTIAL USES PRIOR TO THE ANNEXATION OF THE SUBJECT PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF MCKINNEY, GENERALLY LOCATED NORTH OF FM 1461 AND APPROXIMATELY 3,800 FEET EAST OF FM 2478**

**WHEREAS,** Hijo, Ltd. and Sutton Field Investments, LLC (“DEVELOPER”) are the owners of approximately 73.896 acres of land in the C.A. Burns Survey, Abstract Number A0109 and the Coleman Watson Survey, Abstract Number A0945, that is located in the extraterritorial jurisdiction of the City of McKinney, Collin County, Texas (“ETJ”) (the “Property”); and

**WHEREAS,** Hijo, Ltd. and Sutton Field Investments, LLC desire to enter into an agreement with the City of McKinney, Texas (“CITY”) pursuant to Chapter 43 and Section 212.172 of the Texas Local Government Code; and

**WHEREAS,** the Parties have the authority to enter into an Agreement pursuant to Section 212.171, *et seq.*, of the Texas Local Government Code; and

**WHEREAS,** the DEVELOPER and the CITY acknowledge that the Agreement is binding upon the CITY and the DEVELOPER and their respective successors and assigns for the term of the Agreement; and

**WHEREAS,** the physical location of the Property and the lack of adequate roadway and parkland facilities to serve the Property demonstrate that infrastructure improvements and parkland dedication will be required as a condition to development in the future; and

**WHEREAS,** the DEVELOPER understands that the CITY'S development requirements and ordinances will require the DEVELOPER to dedicate and/or construct certain roadway and parkland improvements, as set forth in the CITY'S subdivision and other development ordinances, that are necessitated by the development of the Property; and

**WHEREAS,** DEVELOPER hereby confirms that DEVELOPER shall promptly petition the City of McKinney to annex the Property into the City's corporate limits and zone the Property consistent with the development standards provided in the Agreement before DEVELOPER submits a final plat for the Property to the CITY; and

**WHEREAS,** the Subdivision Regulations of the City of McKinney, Texas contained in Article 2 of the UDC (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,** DEVELOPER understands that prior to platting the Property, the CITY's Subdivision Regulations require the DEVELOPER to fund and construct the roadway improvements and dedicate the required parkland that are necessitated by the development of the Property; 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,** 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 construction of the Project 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 Pre-Annexation Agreement with Hijo, Ltd. and Sutton Field Investments, 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 7<sup>th</sup> DAY OF NOVEMBER, 2023.**

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