

RESOLUTION NO. 2017-09-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE DEVELOPMENT AGREEMENTS IN ASSOCIATION WITH THE PENDING MUNICIPAL ANNEXATION OF PROPERTIES GENERALLY LOCATED IN THE NORTHWEST SECTOR OF MCKINNEY

WHEREAS, the City Council of the City of McKinney, Texas, agrees that portions of its Extraterritorial Jurisdiction (ETJ) generally located in the Northwest Sector of McKinney should be annexed into its corporate limits; and,

WHEREAS, many of the properties being considered for annexation are subject to an agricultural, wildlife management or timber ad valorem tax exemption by the Collin Central Appraisal District; and,

WHEREAS, Section 43.035 of the Texas Local Government Code outlines that before a municipality may annex property which is subject to an agricultural, wildlife management or timber land ad valorem tax exemption, the municipality shall first offer to enter into a development agreement pursuant to Section 212.172 of the Texas Local Government Code; and,

WHEREAS, pursuant to Chapter 43.035 of the Texas Local Government Code, the offered development agreement for recognized agricultural, wildlife management or timber properties guarantees (1) that the ETJ status of the property will continue for a stated period of time unless any type of development plat or related development document for the property is filed with a government agency, whichever date occurs first; and (2) authorizes the enforcement of all regulations and planning authority of the City that do not interfere with the use of the property for agricultural, wildlife management or timber land purposes; and,

WHEREAS, Section 212.172 of the Texas Local Government Code also authorizes a municipality to offer a development agreement to owners of land located in its Extraterritorial Jurisdiction (ETJ) who are not subject to an agricultural, wildlife management or timber land ad valorem tax exemption by the Collin Central Appraisal District in order to provide for the terms of annexation; and,

WHEREAS, in addition to offering development agreements to recognized agricultural, wildlife management or timber land properties, the City Council of the City of McKinney, Texas also desires to offer development agreements to non-qualifying agricultural, wildlife management, or timber land properties to provide for the reimbursement of city ad valorem taxes for a period of three years following annexation; and,

WHEREAS, several property owners located within the proposed annexation area have shown interest in executing development agreements in accordance with Chapter 43.035 and Section 212.172 of the Texas Local Government Code; and

WHEREAS, the City Council of the City of McKinney, Texas agrees that the City's interests are served by executing these aforementioned development agreements as part of the annexation proceedings.

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 all development and annexation agreements associated with the City's efforts to annex land generally located in the Northwest Sector of McKinney.

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 19TH DAY OF SEPTEMBER, 2017.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney