



23-0983

TITLE: Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Development Agreement for the Platting and Conveyance of Certain Land together with an Escrow Deposit and Chapter 380 Grant for the Rehabilitation of a Dam Structure with McKinney SH II, Ltd. and Raytheon Company

COUNCIL GOAL: Operational Excellence

MEETING DATE: December 5, 2023

DEPARTMENT: City Manager
Development Services

CONTACT: Paul G. Grimes, City Manager
Michael Quint, Director of Development Services

RECOMMENDED CITY COUNCIL ACTION:

- Approval of Resolution

ITEM SUMMARY:

- This Resolution authorizes the City Manager to execute a Development Agreement that sets out the process to allow an existing dam structure that has been designated as a "high-hazard" dam structure by the Texas Commission on Environmental Quality to be placed under common ownership and facilitate the rehabilitation of the dam structure and detention pond.
- The Development Agreement requires McKinney SH II, Ltd., to plat the portion of the dam structure and detention pond it owns into a single lot with certain specified easements, convey the lot to Raytheon Company, and pay One Million One Hundred Thousand Dollars (\$1,100,000) into escrow to offset a portion of the costs that will be incurred by Raytheon Company to rehabilitate the dam structure.
- The Development Agreement requires Raytheon Company to replat the lot conveyed to it by McKinney SH II, Ltd. into a new lot comprised of a portion of the dam structure and detention pond owned by Raytheon Company, cause the dam structure to be rehabilitated in accordance with the City's Ordinances, and

thereafter maintain the rehabilitated dam structure.

- The Development Agreement requires Raytheon Company to rehabilitate the high hazard dam structure and detention pond within 42 months at Raytheon Company's cost using the funds supplied by McKinney SH II, Ltd., together with a Chapter 380 Grant in the amount of One Million Forty-Two Thousand Fifty Dollars (\$1,042,050) paid by the City within thirty (30) days following the City's final inspection and approval of Raytheon Company's rehabilitation of the dam structure.

BACKGROUND INFORMATION:

- McKinney SH II, Ltd., Raytheon Company, and the City of McKinney have been working together to establish a process and mechanism to facilitate the rehabilitation of this "high-hazard" dam structure and detention pond and the further development of the two tracts of land jointly burdened by this dam structure for over 2 years.
- McKinney SH II, Ltd., and Raytheon Company have agreed to the terms and conditions of the Development Agreement for the Platting and Conveyance of Certain Land together with an Escrow Deposit and Chapter 380 Grant for the Rehabilitation of a Dam Structure.

FINANCIAL SUMMARY:

- The original estimated cost of rehabilitating the dam structure was estimated at being approximately Three Million Dollars (\$3,000,000).
- The Resolution authorizes the City Manager to execute the Development Agreement for the Platting and Conveyance of Certain Land together with an Escrow Deposit and Chapter 380 Grant for the Rehabilitation of a Dam Structure with a Chapter 380 Grant in an amount not to exceed One Million Forty-Two Thousand Fifty Dollars (\$1,042,050).
- Funds for this Chapter 380 Grant will be designated in a later fiscal year from the general fund or other available fund, at such time.

BOARD OR COMMISSION RECOMMENDATION:

- [Enter Board and Commission recommendation if applicable otherwise N/A]

SUPPORTING MATERIALS:

[Resolution](#)