

RESOLUTION NO. 2005-12-02

A RESOLUTION OF THE CITY OF WESTON, TEXAS, APPROVING A DEVELOPMENT AGREEMENT PURSUANT TO SUBCHAPTER G, CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE BETWEEN THE CITY OF WESTON AND HONEY CREEK PARTNERS, L.P., A TEXAS LIMITED PARTNERSHIP AND WESTON LAND LTD., A TEXAS LIMITED PARTNERSHIP GOVERNING DEVELOPMENT OF APPROXIMATELY 1,611.83 ACRES OF LAND, TO BE NAMED THE PARKS OF HONEY CREEK, LOCATED JOINTLY WITHIN THE CITY'S TERRITORIAL LIMITS AND EXTRATERRITORIAL JURISDICTION; PROVIDING FOR THE CONTINUATION OF EXTRATERRITORIAL STATUS; PROVIDING FOR FUTURE ANNEXATION OF THE LAND; PROVIDING FOR A DEVELOPMENT PLAN; AUTHORIZING THE ENFORCEMENT OF LAND USE AND DEVELOPMENT REGULATIONS OTHER THAN THOSE THAT CURRENTLY APPLY WITHIN THE CITY; PROVIDING FOR THE DESIGN, CONSTRUCTION, FINANCING, MAINTENANCE AND CONVEYANCE OF COMPREHENSIVE ROAD AND UTILITY INFRASTRUCTURE IMPROVEMENTS; SPECIFYING THE USES AND DEVELOPMENT OF THE LAND AFTER ANNEXATION; PROVIDING CONDITIONS FOR CONSENT TO THE CREATION OF A WATER DISTRICT; PROVIDING FOR THE CREATION OF A PUBLIC SERVICE PLAN; PROVIDING FOR MUTUAL CONSIDERATION BY THE PARTIES; PROVIDING FOR A FINANCING MECHANISM BEYOND THE CURRENT FISCAL YEAR; PROVIDING FOR ADDITIONAL NON-SUBSTANTIVE PROVISIONS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Section 212.172 of the Texas Local Government Code authorizes a municipality to make a written contract ("Development Agreement") with an owner of land that is located in the Extraterritorial Jurisdiction of the municipality to:

- (1) guarantee the continuation of the extraterritorial status of the land and its immunity from annexation by the municipality for a period not to exceed 15 years;
- (2) extend the municipality's planning authority over the land by providing for a development plan to be prepared by the landowner and approved by the municipality under which certain general uses and development of the land are authorized;

(3) authorize enforcement by the municipality of certain municipal land use and development regulations in the same manner the regulations are enforced within the municipality's boundaries;

(4) authorize enforcement by the municipality of land use and development regulations other than those that apply within the municipality's boundaries, as may be agreed to by the landowner and the municipality;

(5) provide for infrastructure for the land, including:

- (A) streets and roads;
- (B) street and road drainage;
- (C) land drainage; and
- (D) water, wastewater, and other utility systems;

(6) authorize enforcement of environmental regulations;

(7) provide for the annexation of the land as a whole or in parts and to provide for the terms of annexation, if annexation is agreed to by the parties;

(8) specify the uses and development of the land before and after annexation, if annexation is agreed to by the parties; or

(9) include other lawful terms and considerations the parties consider appropriate; and

WHEREAS, the owner of land that is located in the Extraterritorial Jurisdiction of the City, said land being further described in Exhibit "A" attached hereto (the "Land"), desires to develop the Land and the development shall include, but not be limited to, the construction and financing of certain water, sanitary sewer, drainage, road infrastructure and other similar public infrastructure facilities and services; and

WHEREAS, the owner of the Land seeks the cooperation from the City to provide treated water and wastewater services to serve the Land; and

WHEREAS, in order to provide the necessary infrastructure facilities and services to the Land the owner desires to enter into a Development Agreement with the City; and

WHEREAS, in consideration for the foregoing the owner of the Land intends to dedicate to the City those certain water, sanitary sewer, drainage, road infrastructure and other similar public infrastructure improvements, agrees to future voluntary annexation of the entire property, make available newly constructed infrastructure improvements to current residents of the City, and provide other services and property as further described in the Development Agreement; and

WHEREAS, the proposed Development Agreement shall include, but not be limited to, development of the Land consisting of approximately 1,611.83 acres, to be named the Parks of Honey Creek, located jointly within the City's territorial limits and extraterritorial jurisdiction; provide for the continuation of extraterritorial status; provide for future annexation of the Land; provide for a development plan; authorize the enforcement of land use and development regulations other than those that currently apply within the city; provide for the design, construction, financing, maintenance and conveyance of comprehensive road and utility infrastructure improvements; specify the uses and development of the Land after annexation; provide conditions for consent to the creation of a Water District; provide for the creation of a public service plan; provide for mutual consideration by the parties; provide for a financing mechanism beyond the current fiscal year; and provide for additional non-substantive provisions; and

WHEREAS, the City Council has thoroughly reviewed the proposed Development Agreement, attached hereto and incorporated herein as Exhibit "A", and has determined that the Development Agreement is in the best interests of the City of Weston and its citizens; and

WHEREAS, the City Council desires to approve the Development Agreement governing the future development of the Land and would direct the Mayor to execute the Development Agreement on behalf of the City and the City Secretary to file a copy of the fully executed Development Agreement in the real property records of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY

OF WESTON, TEXAS:

SECTION 1.

That the Development Agreement, attached hereto and incorporated herein as Exhibit "A" to this Resolution, is hereby in all things approved. A copy of the Development Agreement shall be kept on file with the Office of the City Secretary.

SECTION 2.

That the Mayor of the City of Weston is hereby authorized to execute the Development Agreement and the City Secretary is directed to file a copy of the fully executed Development Agreement in the Collin County property records.

SECTION 3.

That this Resolution shall be effective on and from its date of passage indicated below and it is so resolved.

RESOLVED AND ENTERED this the 13th day of December, 2005.

CITY OF WESTON

Patti Harrington
Patti Harrington, MAYOR

ATTEST:

Susan M. Coffey
City Secretary