



## **AGENDA MEMORANDUM**

Resolution for the City Council Meeting of September 2, 2025

**DATE:** September 2, 2025

**TO:** Peter Zaroni, City Manager

**FROM:** Michael Dice, Director Development Services  
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Approval of a Developer Participation Agreement for the Oso Parkway Drainage Crossing

### **CAPTION:**

Resolution authorizing a Developer Participation Agreement with MPM Development, LP to reimburse the developer up to \$735,789.32 for the construction of the Oso Parkway Drainage Crossing at the Cimarron Ditch for the development of Royal Creek Estates Subdivision (District 5).

### **SUMMARY:**

MPM Development, LP is developing a residential subdivision and is required to construct a drainage crossing for infrastructure improvements. Developer has agreed to enter into a developer participation agreement for the drainage crossing. The estimated one-time cost is \$735,789.32.

### **BACKGROUND AND FINDINGS:**

In 2022, the City entered into an developer agreement with Developer, MPM Development, LP. The terms of the agreement are provided below:

#### **Section 2. DEVELOPER PARTICIPATION.**

**Subject to the terms of this Agreement, the Developer will construct 1,710 feet of Rodd Field from Adler to Oso Parkway valued at \$1,752,000 per Exhibit 1, 1,945 feet of Safety Steel from Sir Greg to Adler valued at**

**\$2,085,000 per Exhibit 1, 968 feet of Oso Parkway from King Henry to Rodd Field valued at \$1,032,000 per Exhibit 1, Parking Lot, 20 feet by 300 feet off new Oso Parkway Street valued at \$75,000, and perform park trail brush removal valued at \$35,000 in accordance with the plans and specifications approved in**

**advance of construction by the City Engineer on behalf of the City. The 1,710 feet of Rodd Field from Adler to Oso Parkway is to be constructed to match the street cross section of the City's constructed section of Rodd Field from Yorktown to Adler drive. The 1,945 feet of Safety Steel from Sir Greg to Adler is to be built with 28 feet wide pavement with traffic circle as shown in Exhibit 2. The 968 feet of Oso Parkway from King Henry to Rodd Field to be constructed to minimum street standard of Parkway Collector per UDC 8.2. The location of the Parking Lot, 20 feet by 300 feet, off of new Oso Parkway and the park trail brush removal to be agreed to by the City and Developer at a future date. The parties acknowledge and confirm the total cost estimate for construction of the Public Improvements, which estimate is attached to and incorporated in this Agreement as Exhibit 3 (the "Cost Estimate"). The Developer shall pay 100% of the costs of construction of the Public Improvements. Prior to the start of construction of the Public Improvements, Developer shall acquire the required additional public right of way easements, if any, necessary for the completion of the Public Improvements.**

### **Section 3. CITY PARTICIPATION.**

**The City shall not pay any of the costs of construction of the Public Improvements. The City may accept Public Improvements as consideration for sale of property pursuant to bid for RFB No. 3528 Sale and/or Exchange of Property on Oso Creek at Starry Circle and Contracts for Sale of Real Property.**

The Developer, MPM Development, LP, has requested and will be eligible for reimbursement through a developer participation agreement for the drainage crossing infrastructure improvements at the Oso Parkway Drainage Crossing for the construction cost per UDC Section 8.4.

### **ALTERNATIVES:**

An alternative to utilizing Developer Participation funds to construct the required drainage crossing infrastructure improvements would be to construct the improvements under a city-initiated CIP project. This option would most likely delay the development of the property until the required funding for the improvements could be programmed into the CIP budget and would most likely impact the developer's ability to build out the planned residential subdivision in a timely manner.

**FISCAL IMPACT:**

The \$735,789.32 in funding for this participation agreement comes from operational funds as approved in the FY25 budget. This project will improve the infrastructure of the development of the Oso Parkway Drainage Crossing at the Cimarron Ditch. This request is a one-time cost associated with the development of the project with the FY25 Budget.

**Funding Detail:**

Fund: 4300 Storm Water Fund  
Department: 47 Storm Water  
Organization: 32000 Storm Water Administration  
Project: Oso Parkway Drainage Crossing Participation Agreement  
Account: 520130 Maintenance and Repairs  
Amount: \$735,789.32

**RECOMMENDATION:**

The request is in accordance with UDC Section 8.4 City Participation in Streets and Drainage Crossings. The drainage crossing infrastructure will be an improvement and provide an overall greater capacity. Staff recommends approval.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance  
(with exhibits)  
Agreement  
(with exhibits)  
Presentation  
Location M