

RESOLUTION NO. R-2024-170

**AMENDMENT TO VIRIDIAN (“VALVERDE”)
DEVELOPMENT AGREEMENT**

A RESOLUTION OF THE CITY OF BASTROP, TEXAS, APPROVING AND AUTHORIZING EXECUTION OF THE FIRST AMENDMENT TO THE VIRIDIAN DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BASTROP AND CONTINENTAL HOMES OF TEXAS, L.P., REGARDING THE VALVERDE DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City and Owner entered into that certain Viridian Development Agreement (the “Agreement”) on or about July 13, 2021, regarding the development and annexation of certain property now commonly referred to as the “Valverde Development,” such property being described in the Agreement as adopted by City Council Resolution No. R-2021-65; and

WHEREAS, the City and Owner desire to modify the Agreement to account for changes in circumstances and to provide additional clarification of the Parties’ respective responsibilities relating to certain offsite Wastewater Facilities for the development referred to in Sections 6.01, 6.02, and Exhibit “E” of the Agreement; and

WHEREAS, Section 15.06 of the Agreement allows for an amendment to the Agreement provided that the written amendment is approved by the City Council of the City and executed by the Parties; and

WHEREAS, the City Council previously approved a version of the proposed amendment to the Agreement by City Council Resolution No. R-2024-73, on July 23, 2024; however, that version of the proposed amendment was not executed by both parties; and

WHEREAS, after further negotiations between the parties, the City considers the amendment to the Agreement attached hereto to be in the interests of the City and wishes to enter into this version of the amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, THAT:

Section 1: All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Bastrop, Texas, and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Section 2: The City Council approves and authorizes the execution of the First Amendment, attached hereto as **Attachment “A”**, on behalf of the City.

Section 3. Repealer: To the extent reasonably possible, resolutions are to be read together in harmony. However, all resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters regulated.

Section 4. Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Resolution be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Resolution.

Section 5. Effective Date: This Resolution shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City’s Charter, its Code of Ordinances, and the laws of the State of Texas.

Section 6. Proper Notice & Meeting: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

DULY RESOLVED & ADOPTED by the City Council of the City of Bastrop, Texas, on this, the ____ day of _____ 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney