



STAFF REPORT

MEETING DATE: May 9, 2023

TITLE:

Consider action on Resolution No. R-2023-73 of the City Council of the City of Bastrop, Texas, approving second amendment to the Development and Annexation Agreement between the City of Bastrop and Bastrop Colorado Bend, LLC, and authorizing the Mayor to execute the amendment on behalf of the City of Bastrop.

AGENDA ITEM SUBMITTED BY:

Submitted by: Sylvia Carrillo, City Manager

BACKGROUND/HISTORY:

A second amendment to the development agreement is presented for council consideration. The modification to the amendment stems from the removal of incentives from the Bastrop Economic Development Corporation (BEDC) and the City of Bastrop to the project. Instead, the City of Bastrop and the BEDC will create a joint area development plan to install infrastructure that will not only serve the Colorado Bend project, but also serve many more businesses in the area and allow for a recapture of the BEDC investment via pro-rata share.

As structured, the agreement states:

- 1) Game fence is allowed up to the property line with the following caveats:
 - a. Applicant will dedicate the ROW for 10 years. If the City Master Transportation Plan is amended or the City deems it not necessary, the ROW reverts back to Colorado Bend
 - b. Should a street be needed, the City will construct, however, Colorado Bend MUST build the wall to match the berm/fence/beautification to match the Lovers Lane portion.
- 2) The city will NOT waive impact fees or permit fees.
- 3) Fallback positions for alternate water/sewer/fire protection are allowed, and a temporary certificate of occupancy can be granted, so long as the appropriate permits by TCEQ, etc are in place. Colorado Bend MUST tie on within 12 months of water and sewer being available at the time they are available. For example, if water is available on Dec 1, 2023, you must tie on by Dec 1, 2024, even if both water and sewer are not available at the same time.
- 4) The City will work on a Capital Improvement project with the Bastrop Economic Development Corporation to build the water and waste water lines. Colorado Bend WILL be required to pay the impact fee at tie on.
- 5) Colorado Bend or other traffic shall have NO ACCESS off of Segment 1. Any gate that exists will need to be removed and no access will be granted.
- 6) Queuing off of Lovers Lane will not be allowed, thus the setback on the site plan is very important at each entrance on Lovers Lane to prevent additional traffic congestion issues on Lovers Lane. A minimum of a 150 setback off Lover's Lane onto the site is required.
- 7) The City will endeavor to complete the project within 16 months of the notice to proceed (NOI)

- 8) Expedited permit and plan review will occur and comments provided within 21 days of an approved submittal.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Approve the second amendment to the Development Agreement

ATTACHMENTS:

Resolution & Revised Agreement