

**RESOLUTION NO. R-2023-79**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS APPROVING AN AMENDMENT TO A DISSOLUTION AGREEMENT BETWEEN THE CITY OF BASTROP, A HOME RULE CITY AND CONTINENTAL HOMES OF TEXAS, LP., A TEXAS LIMITED LIABILITY COMPANY, FOR; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, City and Owner previously entered into that certain Agreement Regarding the Dissolution of the NEU Community Bastrop Public Improvement District (A/k/a Viridian Public Improvement District) dated effective March 9, 2021, for that certain Project (as defined therein) located in the extraterritorial jurisdiction of the City of Bastrop, Bastrop County, Texas, as more particularly described in the Agreement.

**WHEREAS**, Owner is the owner of taxable real property representing more than 50 percent of the appraised value of taxable real property liable for the proposed assessments within the District (defined in the Agreement) and/or the record owner of real property liable for the proposed assessments within the District who (A) constitutes more than 50 percent of all record owners of property that is liable for the proposed assessments within the District or (B) owns taxable real property that constitutes more than 50 percent of the area of all taxable real property that is liable for the proposed assessments within the District;

**WHEREAS**, The Parties agree that this Amendment, collectively with the Agreement, constitutes the Owner's petition to dissolve the District under Section 372.011, Texas Local Government Code;

**WHEREAS**, City and Owner desire to modify and amend the Agreement in certain respects, as more particularly set forth in this Amendment.

**WHEREAS**, Owner shall request annexation of the Property into the corporate boundaries of the City when requested, to enable the Owner to obtain the benefits of this Agreement and to define, protect, and clarify approvals to be granted with respect to development of the Property pursuant to the Concept Plan and this Agreement; and,

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

**Section 1:** That the City Manager will execute an amendment to the March 9, 2021, Dissolution Agreement between the City of Bastrop a Home Rule City and Continental Homes of Texas, L.P. a Texas. limited liability company.

**Section 2:** All orders, ordinances, and resolutions, or parts thereof, which 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 resolved herein.

**Section 3:** That this Resolution shall take effect immediately upon its passage.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Bastrop this 23<sup>rd</sup> day of May, 2023.

**APPROVED:**

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Connie B. Schroeder, Mayor

**ATTEST:**

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Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

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Alan Bojorquez, City Attorney