

## **RESOLUTION**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AUTHORIZING THE REIMBURSEMENT OF R.A. DEVELOPMENT FOR ADDITIONAL SEWER DESIGN COSTS PURSUANT TO AN EXISTING CHAPTER 380 AND ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT.**

**WHEREAS**, the City of Burleson, Texas (“City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City, R.A. Development, Ltd. (“Developer”), the Burleson 4A Economic Development Corporation (“BEDC”), and other parties entered into that certain Chapter 380 and Economic Development and Performance Agreement for the development of Chisholm Summit and Hooper Business Park (CSO#1775-06-2021) (the “Agreement”); and

**WHEREAS**, the Agreement stipulates that the Developer shall retain a professional engineer to design certain sewer and roadway improvements; and

**WHEREAS**, the Agreement stipulates that the City shall reimburse Developer for the funds paid for the design of the sewer improvements and that the BEDC shall reimburse Developer for the funds paid for the design of the roadway improvements; and

**WHEREAS**, in 2021, the City Council approved Resolution No. CSO#1878-09-2021 authorizing a reimbursement to the Developer for sewer design costs pursuant to the Agreement; and

**WHEREAS**, the Developer has retained a professional engineer to design Phase Two and Phase Three of the Sewer Improvements as defined in the Agreement, such improvements chiefly being a lift station at FM 1902 and force main to CR 1016, extending the force main from CR 1016 to gravity sewer at CR 914A, and a second force main from CR 1016 to gravity sewer at CR 914A (the “Sewer Design Improvements”); and

**WHEREAS**, the City Council anticipates that the Hooper Business Park will have greater sewer flows that originally anticipated, which necessitates additional sewer design of the sanitary sewer lift station and force mains for the Sewer Design Improvements (the “Additional Sewer Design Work”); and

**WHEREAS**, the City Council and Developer desire that the engineering firm designing the Additional Design Work also design the Additional Sewer Design Work; and

**WHEREAS**, Developer estimates that the design cost for the Additional Sewer Design Work with the same engineering firm is \$162,000.00 (the “Estimated Cost”); and

**WHEREAS**, the City Council finds that reimbursing the Developer for the Estimated Cost

related to the Additional Sewer Design Work will further the purposes and findings set forth in the Agreement; and

**WHEREAS**, the City Council, after review, desires to approve the Estimated Cost for the Additional Sewer Design Work in accordance with the Agreement; and

**WHEREAS**, the City Council desires to authorize to the City Manager to review the actual receipts and invoices received from the Developer for costs actually incurred in the design of the Additional Sewer Design Work portion of the Sewer Design Improvements and to reimburse the Developer in accordance with the Agreement in an amount not to exceed the Estimated Cost for such improvements.

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

**Section 1.**

The City Council hereby approves the Estimated Cost for the Additional Sewer Design Work in accordance with the Agreement.

**Section 2.**

The City Manager is authorized to reimburse the Developer for costs actually incurred in the design of the Additional Sewer Design Work portion of the Sewer Design Improvements and to reimburse the Developer in accordance with the Agreement in an amount not to exceed the Estimated Cost of \$162,000.00. The reimbursement shall be paid in accordance with the Agreement.

**Section 3.**

This resolution shall take effect immediately from and after its passage.

**PASSED, APPROVED, AND SO RESOLVED** by the City Council of the City of Burleson, Texas, on the 17th day of April 2023.

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Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

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Amanda Campos, City Secretary

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E. Allen Taylor, Jr., City Attorney