

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, APPROVING A RIGHT-OF-USE AGREEMENT WITH OLD TEXAS BREWING COMPANY FOR RIGHT-OF-WAY NEAR 112 W ELLISON STREET.

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, Phillip Waddell and Old Texas Brewing Company (“Applicant”) have filed an application to use a portion a portion of the City public right-of-way in the corporate limits of the City near 112 W Ellison Street as set forth in their application; and

WHEREAS, the City and Applicant desire to enter into an easement and right-of-way use agreement, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference for all purposes (the “Agreement”);

WHEREAS, after reviewing the Application and Agreement, the City finds that the right-of-way use described in the Application and Agreement will not extend into any part of the roadway used for vehicular traffic, will not extend into any part of the sidewalk needed for pedestrian use, and will not create a hazardous condition or obstruction of vehicular or pedestrian travel;

WHEREAS, after reviewing the Application and Agreement, the City further finds that the design and location of the right-of-way use described in the Application and Agreement includes all reasonable planning to minimize potential injury and interference to the public use of the street; and

WHEREAS, after reviewing the Application and Agreement, the City further finds that entering into the Agreement with the Applicant is in the best interest of the City and its citizens, and is for the good government, peace, and order of the City.

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

Section 1.

The City Manager, Tommy Ludwig, is authorized to execute on behalf of the City the Agreement between the City and the Applicant, substantially in the form attached as Exhibit “A”.

Section 2.

The foregoing recitals are adopted and incorporated herein for all purposes.

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 _____ day of _____, 20_____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO LEGAL FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney