

## **RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, APPROVING THE PLANNED IMPROVEMENTS AND ESTIMATED CONSTRUCTION COSTS FOR THE CONSTRUCTION OF ROAD IMPROVEMENTS PURSUANT TO AN EXISTING CHAPTER 380 AND ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT, AND AUTHORIZING THE CITY MANAGER TO REIMBURSE R.A. DEVELOPMENT, LTD. FOR SUCH COSTS ACTUALLY INCURRED AND IN ACCORDANCE WITH SAID AGREEMENT.**

**WHEREAS**, the City of Burleson, Texas (the “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 calls for the Developer to construct certain road improvements and for the BEDC to reimburse Developer for the funds paid for the construction of such sewer improvements; and

**WHEREAS**, the Developer is ready to contract with United Cooperative Services (“UCS”), the electric service provider for the area, for UCS to construct parkway and pedestrian lighting along Lakewood Drive, consisting of 121 lights, 43 street light poles, and 52 antique Washington pedestrian poles (the “Improvements”); and

**WHEREAS**, the Agreement requires that the City Council approve all construction costs for any roadway improvements prior to reimbursement; and

**WHEREAS**, the Developer submitted to the City and BEDC an estimated cost of construction from UCS for the Improvements in the amount of \$599,413.50 (the “Estimated Construction Costs”); and

**WHEREAS**, the City Council finds that the construction of the Improvements in accordance with the Construction Costs will further the purposes and findings set forth in 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 construction of the Improvements and to reimburse the Developer in accordance with the Agreement in an amount not to exceed the Estimated Construction Costs; and

**WHEREAS**, the City Council, after review, desires to approve the Estimated Construction Costs for the Improvements in accordance with the Agreement.

**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 Construction Costs for the Improvements in accordance with the Agreement.

#### **Section 2**

The City Manager is authorized to reimburse the Developer for costs actually incurred in the construction of the Improvements and set forth in the Estimated Construction Costs. The reimbursement amount shall not exceed the Estimated Construction Costs. Since UCS is performing the construction work for the Improvements, the reimbursement shall be paid to Developer upon Developer providing proof of payment to UCS for the Improvements.

#### **Section 3**

The findings set forth above in the recitals of this resolution are incorporated into the body of this resolution as if fully set forth herein.

#### **Section 4**

It is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

#### **Section 5**

That the terms and provisions of this resolution shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this resolution shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this resolution and the remainder of such resolution shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

#### **Section 6**

This resolution shall become effective from and after its date of passage in accordance with law.

**PASSED AND SO RESOLVED** by the City Council of the City of Burleson, Texas, this \_\_\_\_\_ 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