

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON APPROVING A COMMUNITY FACILITIES CONTRACT BETWEEN THE CITY OF BURLESON AND RA DEVELOPMENT LTD FOR THE INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS (THE “CONTRACT”); AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; AUTHORIZING THE CITY ATTORNEY TO MAKE ANY NECESSARY FURTHER CHANGES TO THE CONTRACT; INCORPORATING THE RECITALS; AND PROVIDING AN EFFECTIVE DATE.

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, 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 (the “Agreement”); and

WHEREAS, the Agreement calls for the Developer to construct certain sewer improvements and roadway improvements; and

WHEREAS, the City is authorizing the Developer to begin construction of Lakewood Drive and other roadway and drainage public improvements; and

WHEREAS, the City’s Subdivision and Development Ordinance, codified in Appendix A of the City of Burleson Code of Ordinances, requires that the Developer enter into a community facilities contract with the City when constructing public infrastructure; and

WHEREAS, the City’s Subdivision and Development Ordinance contains a form community facilities agreement that may be altered in approved by the City Council by resolution; and

WHEREAS, the form community facilities agreement must be amended to provide for the public improvement construction work required by the Agreement; and

WHEREAS, the City desires to alter the form community facilities agreement and use the altered community facility contract attached hereto as Exhibit “A” and incorporated herein by reference (the “Community Facilities Contract”); and

WHEREAS, the City desires the City Manager execute the Community Facilities Contract; and

WHEREAS, the City desires the City Attorney make any additional alterations to the Community Facilities Contract necessary to modify the form agreement to allow for the public

improvement construction work required by the Agreement.

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

Section 1.

The City Manager, Bryan Langley, is authorized to execute on behalf of the City the Community Facilities Contract between the City and Developer, substantially in the form attached as Exhibit "A". The City Attorney, E. Allen Taylor, Jr., may make additional alterations to the Community Facilities Contract necessary for modifying the agreement to allow for the public improvement construction work required by the Agreement.

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 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