
City Council Regular Meeting

DEPARTMENT: Legal

FROM: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services

MEETING: November 13, 2023

SUBJECT:

Consider approval of a minute order authorizing the Declaration and Bylaws of the property owners association for the real property commonly known as 135 West Ellison Street in Burleson, Johnson County, Texas. (*Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services*)

SUMMARY:

On December 14, 2020, the city of Burleson, Burleson 4A Economic Development Corporation, Tax Increment Financing Reinvestment Zone Number Two, and BTX Old Town, LLC, entered into a Chapter 380 Economic Development and Performance Agreement (the "Agreement"). In the Agreement, BTX Old Town agreed, among other things, to construct a seven-building mixed-use development on the real property commonly known as 135 West Ellison Street in Burleson, Johnson County, Texas. The City has agreed to own and operate approximately 12,000 square feet in buildings 3, 4, and 5 of the development. Per the terms of the Agreement, BTX Old Town is to establish a property owners association for the development and submit to the City the proposed property owners association documents for approval. Once the City owns the property in buildings 3, 4, and 5 of the development, it will be bound by the property owners association documents.

BTX has recently submitted the property owners association documents to City staff, and the item before the City Council is to review the documents in accordance with the Agreement.

The specific property owners association documents before the City Council are the Declaration of the BTX Condominium Association and the Bylaws of the BTX Condominium Association. The declaration will be recorded on the real property records and sets forth the authority the association has over the development. The bylaws are not recorded, but govern the manner in which the association will operate as an entity. The documents have been reviewed and negotiated by TOASE and in-house counsel.

OPTIONS:

- 1) Approve the minute order as presented;

- 2) Approve the minute order with changes; or
- 3) Deny the minute order.

RECOMMENDATION:

Staff recommends approval.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

n/a

FISCAL IMPACT:

n/a

STAFF CONTACT:

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