ORDINANCE

AN ORDINANCE OF THE CITY OF BURLESON, TEXAS, RATIFYING THE APPROVAL A CHAPTER 380 AGREEMENT WITH BTX FLEX, LLC; INCORPORATING THE RECITALS INTO THE BODY OF THE ORDINANCE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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, City owns approximately 2.43 acres of land located at 112 SE Gardens Blvd in Burleson, Johnson County, Texas (the "Property"); and

WHEREAS, City issued Request for Proposal RFP 2025-06 seeking the sale and development of the Property; and

WHEREAS, BTX Flex, LLC ("Company") submitted a proposal in response to the RFP seeking to purchase and develop the Property; and

WHEREAS, the City is authorized by Article III, Section 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code to provide economic development grants and incentives to promote state and local economic development and to stimulate business and commercial activity in the City; and

WHEREAS, on May 27, 1993, the City adopted Resolution No. 583 establishing an Economic Development Program (the "Program") pursuant to Chapter 380 of the Texas Local Government Code; and

WHEREAS, Company desires to participate in the Program by entering into an economic development agreement with the City, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference for all purposes (the "Agreement"); and

WHEREAS, Company is seeking an economic development incentive to develop the Property in accordance with this Agreement under the Program; and

WHEREAS, pursuant to the Agreement, Company agrees, after acquiring the Property under the Land Purchase Agreement, to develop the Property by constructing a minimum of four (4) buildings ranging in size from 2,500 to 6,000 square feet on the Property and the requisite drainage improvements for the Property required by law (the "Project"); and

WHEREAS, the City desires to provide the City Grant, as defined or further described in the Agreement, to Company pursuant to Chapter 380 of the Texas Local Government Code in consideration of Company bringing the Project to the City; and

WHEREAS, the City Council hereby finds and determines that the Agreement promotes economic development in the City, and, as such, meets the requirements of Article III, Section 52-a of the Texas Constitution, by assisting in the development and diversification of the economy of the State of Texas and City, by eliminating unemployment or underemployment in the State of Texas and City, and will enhance the City's real property and sales tax base, and will enhance business and commercial activity within the State of Texas and City; and

WHEREAS, pursuant to the Agreement, the Company and City intend to enter into a real estate contract under which the Company would acquire the Property from the City; and

WHEREAS, the City Council finds and determines that the Agreement requires Company to use the Property in a manner that primarily promotes a public purpose of the City relating to economic development and that the Agreement includes provisions under which the City is granted sufficient control to ensure that the public purpose is accomplished and that the City receives a return benefit; and

WHEREAS, the City Council finds and determines that the Property has never been owned, held, or claimed, by the City as a public square or park; and

WHEREAS, the City Council finds and determines that the City published notice on two separate days of the proposed conveyance of the Property to Company as required by Section 253.0125 of the Texas Local Government Code in the *Cleburne Times Review*, a newspaper of general circulation in the county in which the Property is located, within the time period required by that section; and

WHEREAS, the City Council finds that the Company and City entered into an original version of the agreement (CSO#6104-04-2026) at a duly called and noticed meeting on April 6, 2026, which the City Council authorized via ordinance; and

WHEREAS, the City Council finds that the City Council approved the Agreement (CSO#6298-10-2026), which is an amended and restated version of the original agreement, at a duly called and noticed meeting on October 5, 2026, but it did not approve the Agreement via an ordinance; and

WHEREAS, the City Council desires to ratify the approval of the Agreement via ordinance.

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

Section 1.

The approval of the Agreement is hereby ratified and the City Manager, Tommy Ludwig, is authorized: (a) to execute on behalf of the City (i) the Agreement between the City and Company, substantially in the form attached as Exhibit "A", and (ii) any other documents necessary for the City for the completion of the Project contemplated in the Agreement; and (b) to make expenditures in accordance with the terms of the Agreement.

Section 2.

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

Section 3.

It is hereby officially found and determined that the meeting at which this ordinance 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 4.

The terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance 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 ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 5.

This ordinance shall become effective immediately upon its passage and publication as required by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED this _____day of _____, 20_____.

First Reading: the _____day of _____, 20_____.

Final Reading: the _____day of _____, 20_____.

_____
Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

_____
Amanda Campos, City Secretary

APPROVED AS TO FORM:

_____
E. Allen Taylor, Jr., City Attorney

Attachments:

Exhibit "A" – Chapter 380 Economic Development Agreement between the city of Burleson and BTX Flex, LLC