

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AUTHORIZING A SETTLEMENT OF MICHAEL FAGAN, ET AL. V. HOMES BY TOWNE OF TEXAS, INC., ET AL. MATTER (413TH JUDICIAL DISTRICT COURT; DC-C202100269); PROVIDING A REPEALING CLAUSE AND 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 is a party in a lawsuit pending in the 413th Judicial District Court, Johnson County, Texas, under the Cause No. DC-C202100269, and styled *Michael Fagan, et al. v. Homes by Towne of Texas, Inc., et al.* (the “Lawsuit”); and

WHEREAS, based on all the facts and circumstances, the City Council finds that it is in the best interest of the City to settle this matter with certain other parties to the Lawsuit, specifically, the Plaintiffs Michael Fagan and Kimberly Fagan (collectively the “Certain Other Parties”).

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

Section 1.

The City Council hereby authorizes and directs the City Manager and City Attorney to execute documents necessary to resolve the Lawsuit with the Certain Other Parties, including: 1) a settlement and release agreement with the Certain Other Parties, and 2) a motion and order of dismissal with prejudice with the Certain Other Parties. The City Council hereby further directs the City Attorney and City Manager to have such documents filed with the Court and to take any additional actions necessary and prudent to resolve the matter with the Certain Other Parties.

Section 2.

All order and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this resolution are hereby repealed to the extent of such conflict, and the provisions of this resolution shall be and remain controlling as to the matters resolved herein.

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