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## City Council Regular Meeting

**DEPARTMENT:** Public Works

**FROM:** Errick Thompson, P.E., Deputy Director Public Works - Engineering

**MEETING:** June 20, 2023

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**SUBJECT:**

Consider approval of a Memorandum of Understanding for authorization for grading, stormwater infrastructure, and roadway construction for R.A. Development, Ltd., pursuant to an existing Chapter 380 and Economic Development and Performance Agreement. (*Staff Presenter: Errick Thompson, Deputy Director Public Works - Engineering*)

**SUMMARY:**

On June 7, 2021, the City Council approved a Chapter 380 and Economic Development and Performance Agreement CSO#1775-06-2021(Agreement). The Agreement is for the development of Chisholm Summit, a proposed master-planned community of approximately 1,000 acres on the City's west side between Wilshire Blvd and the Chisholm Trail Parkway. There are several parties to this Agreement; however, R.A. Development, Ltd, will act as the Developer under the Agreement.

Per the Chapter 380 agreement, the Developer is responsible for designing and constructing a public roadway and sanitary sewer improvements in several phases. The proposed public improvements include the extension of Lakewood Drive from just south of CR 1020 to FM 1902, which will serve the Burleson Economic Development Corporation's future planned office park. Public sanitary sewer improvements will also be constructed to serve the master-planned community, future office park, and surrounding area as development continues.

On October 3, 2022, the City Council approved limited authorization for R.A. Development, Ltd to begin construction of Lakewood Drive while the design of the sanitary sewer infrastructure was being completed. The limited authorization allowed for the reimbursement of expenses related to grading, stormwater infrastructure, and roadway construction from FM 1902 to 100 feet north of CR 1016 and is currently underway.

On April 17, 2023, the City Council approved a resolution authorizing the reimbursement of R.A. Development, Ltd. for additional sewer design costs. The purpose of the resolution is to authorize reimbursement of funds, as per the terms of the executed 380 agreement, related to the modification of the design of the sanitary sewer lift station and force mains to accommodate the additional sewer flow. This additional design was needed as City staff initiated discussions with the City of Fort Worth to incorporate approximately 130 acres of Fort Worth's extraterritorial jurisdiction (ETJ) located at the east corner of Chisholm Trail Parkway and FM 1902 into the City

of Burleson's ETJ. Since approval of the additional reimbursement of funds, the City Council approved a boundary swap agreement with the City of Fort Worth to incorporate the 130 acres into the City of Burleson ETJ on June 5, 2023. In addition, another property owner in the Fort Worth ETJ has a pending petition for release from their ETJ. The Hooper Business Park development will also generate more sewer flow than initially anticipated for the lift station. The sewer design is anticipated to be completed by July 2023.

The sewer design was anticipated to be completed in March 2023, allowing R.A. Development, Ltd. to continue roadway construction from CR 1016 to CR 1020. Since the anticipated completion of the sewer design has been extended to July 2023, R.A. Development, Ltd. has requested full authorization for roadway construction to CR 1020 to avoid delays to the overall construction schedule.

The full authorization would allow for reimbursement of all expenses related to the grading, stormwater infrastructure, and roadway construction to R.A. Development, Ltd. from FM 1902 to CR 1020. Construction of the connection to FM 1902 may not occur until a permit from TxDOT has been issued, nor can any JCSUD water line improvements occur until at a minimum, JCSUD provides documentation they have accepted the water line design.

#### **OPTIONS:**

- 1) Approve a Memorandum of Understanding for authorization for grading, stormwater infrastructure, and roadway construction for R.A. Development, Ltd., pursuant to an existing Chapter 380 and Economic Development and Performance Agreement.
- 2) Deny a Memorandum of Understanding for authorization for grading, stormwater infrastructure, and roadway construction for R.A. Development, Ltd., pursuant to an existing Chapter 380 and Economic Development and Performance Agreement.

#### **RECOMMENDATION:**

Approve a Memorandum of Understanding for authorization for grading, stormwater infrastructure, and roadway construction for R.A. Development, Ltd., pursuant to an existing Chapter 380 and Economic Development and Performance Agreement.

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

September 20, 2021 – Economic Development Corporation Board (EDCB) – Type A

- Reimbursement resolution to R.A. Development, Ltd. for roadway design costs
- Design Contract with Kimley Horn Associates for design review of Lakewood Drive

September 20, 2021 – City Council

- Reimbursement resolution to R.A. Development, Ltd. for sewer design costs and ratification of EDCB action on the reimbursement resolution to R.A. Development, Ltd. for roadway design costs
- Design Contract with Kimley Horn Associates for design review of Lakewood Drive and sanitary sewer facilities

- Ratification of EDCB action on the design contract with Kimley Horn Associates for design review of Lakewood Drive

October 18, 2021 – City Council

- Resolution approving the final phase one sewer design and authorizing reimbursement to R.A. Development, Ltd. for sewer construction costs
- Community Facilities Contract with R.A. Development, Ltd. for the construction of approximately 7,500 linear feet of sanitary gravity sewer
- Memorandum of Understanding with R.A. Development, Ltd. setting a process by which the City may inspect the work and expenditures related to the construction of the sewer and roadway improvements
- Professional Services Contract with Teague Nall and Perkins, Inc. for construction inspection of Lakewood Drive and sanitary sewer facilities
- Minute Order authorizing the award of an invitation to bid for the Mockingbird Lane to C.R. 914A sewer improvements

October 3, 2022 - Economic Development Corporation Board (EDCB) – Type A

- Resolution for final design of the roadway improvements for Lakewood Drive, authorizing the reimbursement of R.A. Development, Ltd., for roadway construction costs and for the limited authorization for grading, stormwater infrastructure, and roadway construction for R.A. Development, Ltd.

October 3, 2022 – City Council

- Ratification of EDCB action on the final design for Lakewood Drive, authorizing the reimbursement of R.A. Development, Ltd., for roadway construction costs and for the limited authorization for grading, stormwater infrastructure, and roadway construction for R.A. Development, Ltd.

April 17, 2023 – Economic Development Corporation Board (EDCB) – Type A

- Resolution for additional reimbursement funds for design of a lift station and force mains.

April 17, 2023 – City Council

- Ratification of EDCB action on the additional reimbursement funds for design of a lift station and force mains.

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

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