

CITY OF DRIPPING SPRINGS

ORDINANCE NO. 2021-

DEVELOPMENT AGREEMENT ORDINANCE

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, TO ADOPT THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR DOUBLE L DEVELOPMENT, LLC TRACT (FORMERLY ANARENE), ATTACHED HERETO AS EXHIBIT "A", INCLUDING THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; EFFECTIVE DATE; FILING; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Dripping Springs ("City") is a Type-A, General Law municipality located in Hays County, Texas with the rights and privileges thereto;

WHEREAS, the City is authorized by Texas Local Government Code § 51.001 to adopt or amend any ordinance is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and

WHEREAS, the City has the legal authority to negotiate with the owners of proposed development projects in the interest of the parties and the general public; and

WHEREAS, the power to enter Developer Participation Agreements is provided in Section 212.071 of the Texas Local Government Code; and

WHEREAS, the general power to regulate subdivisions is provided in Sections 212.002 and 212.003 of the Texas Local Government Code; and

WHEREAS, the basic power to enter contracts is provided in Sections 51.001, 51.014, 51.035 and 51.051(b) of the Texas Local Government Code; and

WHEREAS, the City entered into a Development Agreement with Anarene Investments on October 17, 2012 (the " Original Agreement"), which was recorded in Volume 4466, Page 327 of the Official Public Records of Hays County, Texas; and

WHEREAS, the Agreement was amended in January 2015; and

WHEREAS, the Agreement was assigned to Double L Development in September 2019; and

WHEREAS, in April 2020, Double L Development, LLC requested an amendment to the Development Agreement to increase the number of residential units; and

WHEREAS, the City requested, and Double L Development, LLC, has agreed to apply certain land use ordinances and other requirements to its project as well as provide for open

space, parkland, and certain lotting patterns; and

WHEREAS, the City deems it in the best interest to its citizens to adopt the Amended and Restated Development Agreement for Anarene Investments Tract, attached hereto as Exhibit “A”.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS:

1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of Dripping Springs, Texas, and are hereby approved and incorporated into the body of this Ordinance as if copied herein in their entirety.

2. ENACTMENT

This Ordinance as shown in Exhibit “A” approves the accompanying Development Agreement as shown in Exhibit “B”.

3. EFFECTIVE DATE

This ordinance shall be effective immediately upon passage and publication.

4. FILING

- A.** The City Secretary is hereby instructed to include this Ordinance in the records of the City.
- B.** The City Secretary is hereby instructed to file a certified copy of this Ordinance with the Hays County Clerk.

5. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this the _____ day of _____ 2021, by a vote of ___ (ayes) to ___ (nays) to ___ (abstentions) of the City Council of the City of Dripping Springs, Texas.

THE CITY OF DRIPPING SPRINGS:

Bill Foulds Jr.

ATTEST:

Andrea Cunningham, City Secretary

EXHIBIT “A”