

RESOLUTION NO. 2023-272-R

**A RESOLUTION AUTHORIZING AN AMENDED DEVELOPMENT
AGREEMENT WITH LENNAR HOMES OF ALABAMA, LLC**

WHEREAS, on June 24, 2019 the City and Breland Homes, LLC (herein “Breland Homes”) entered into a Development Agreement pursuant to Resolution No. 2019-95-R; and,

WHEREAS, on December 27, 2021, Breland Homes assigned all its rights and interests under said Development Agreement to Lennar Homes of Alabama, LLC (herein “Lennar Homes”); and,

BE IT HEREBY RESOLVED by the City Council of the City of Madison, Alabama, as follows:

Section 1. Findings of Fact; Definition of Terms

The City Council (the “Council”) of the City of Madison, Alabama (the “City”), upon evidence duly presented to and considered by it, does hereby find, determine, and declare that:

- (a) Breland Homes previously presented a proposal to the City for the construction of a residential townhouse development and public assets located on approximately 106 acres of land owned by Developer and located in Madison at the terminus of Kyser Boulevard that is now known as Bradford Station Phase One and Bradford Station Phase Two.
- (b) Breland Homes previously submitted the Council a Development Agreement (the “Development Agreement”), which provided for the pacing of residential building construction at a pace of no more than fifty (50) homes per year over a period of 8 to 10 years. The Development Agreement has, and will continue, to provide significant benefits to the City, including the construction of on-site and off-site greenway and roadways, dedication of rights of way, and the preservation of publically accessible greenspace.
- (c) Lennar Homes proposes the Amended Development Agreement to allow Lennar Homes to construct a greenway upon Norfolk Southern Railroad railway tracks prior to the completion of Phase Five of the Development.
- (d) Lennar Homes proposes that Section 1.1(f)(iii)b of the original Development Agreement also be modify to allow for the construction of the railway

greenway before Phase Five and delete a provision requiring such within four years of the original Development Agreement's execution.

- (e) The City proposes that the amended Development Agreement require Lennar Homes to construct the Westchester Drive extension during the Phase Three infrastructure and necessary street lights in accord with the original plans and specifications for the Development.
- (f) It is in the interest of the City that the City amend the original Development Agreement to continue to provide increased tax revenues for the City, additional public transportation and recreation facilities, and additional economic activity in the area surrounding the Development Project.
- (e) Pursuant to Alabama Code § 11-45-1, the City may adopt resolutions and ordinances to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the inhabitants of the municipality. The preservation, construction, and accessibility of the green space, roadways, greenway, and the pacing of the Development as provided for in this resolution approving the Amended Development Agreement will promote the health, safety, and welfare of the residents of the City.

Section 2. Authorization of Amended Development Agreement

The execution and delivery of, and the performance by the City under, the Amended Development Agreement are hereby authorized and approved. The Mayor is authorized and directed to execute and deliver the Amended Development Agreement on behalf of the City, said Agreement to be in substantially the form presented to the Council this date and identified as "First Amendment to Development Agreement," and the City Clerk-Treasurer is hereby authorized to appropriately attest the same.

Section 3. Further Actions

The Mayor and City Clerk are hereby authorized and directed to execute, seal, attest, and deliver such other agreements, undertakings, documents, and certificates incidental or related to the Amended Development Agreement and the actions contemplated within it, and to take such other actions as shall be necessary and appropriate to carry out the transactions that this Resolution contemplates.

READ, PASSED, AND ADOPTED at a regularly scheduled meeting of the City Council of the City of Madison, Alabama, on this 23rd day of October 2023.

Ranae Bartlett, City Council President
City of Madison, Alabama

ATTEST:

Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this 23rd day of October 2023

Paul Finley, Mayor
City of Madison, Alabama