RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO
FINALIZE AND EXECUTE A DEVELOPMENT AGREEMENT WITH
CADG KAUFMAN 146, LLC, AND KAUFMAN COUNTY FRESH
WATER SUPPLY DISTRICT NO. 5, REGARDING APPROXIMATELY
146.746 ACRES OF LAND GENERALLY LOCATED SOUTH OF
INTERSTATE HIGHWAY 20, EAST OF FM 741 AND NORTH OF
HEARTLAND PARKWAY IN KAUFMAN COUNTY, TEXAS,
LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF
THE CITY AND BEING COMMONLY REFERRED TO AS
"HEARTLAND TOWN CENTER" AND AUTHORIZING THE CITY
MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF
THE CITY.

WHEREAS, Section 212.171 *et seq* of the Texas Local Government Code authorizes
municipalities to enter into agreements governing the development of land in the municipality's
extraterritorial jurisdiction; and

WHEREAS, the City Council has been presented with a proposed development agreement
between CADG Kaufman 146, LLC, and Kaufman County Fresh Water Supply District No. 5,
regarding approximately 146.746 acres of land generally located South of Interstate Highway 20,
East of FM 741 and North of Heartland Parkway in Kaufman County, Texas, located within the
extraterritorial jurisdiction of the City of Mesquite, Texas, ("City") and being commonly referred
to as "Heartland Town Center," a copy of said agreement being attached hereto as Exhibit "A" and
incorporated herein by reference (the "Agreement"); and

WHEREAS, upon full review and consideration of the Agreement and all matters attendant
and related thereto, the City Council is of the opinion that the Agreement is in the best interest of
the City and will benefit the City and its citizens.

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

SECTION 1.   That the City Council finds that the terms and provisions of the
proposed Agreement between the City, CADG Kaufman 146, LLC, and Kaufman County Fresh
Water Supply District No. 5, a copy of which is attached hereto as Exhibit "A" and incorporated
herein by reference, is in the best interest of the City and will benefit the City and its citizens.

SECTION 2.   That the City Council hereby approves the Agreement and hereby
authorizes the City Manager to finalize and execute the Agreement and all other documents
necessary to consummate the transactions contemplated by the Agreement.

SECTION 3.   That the City Manager is further hereby authorized to administer the
Agreement on behalf of the City including, without limitation, the City Manager shall have the
authority to: (i) provide any notices required or permitted by the Agreement; (ii) approve
amendments to the Agreement provided such amendments, together with all previous amendments
approved by the City Manager, do not increase City expenditures under the Agreement in excess

of $50,000; (iii) approve or deny any matter in the Agreement that requires the consent of the City provided, however, notwithstanding the foregoing, any assignment of the Agreement that requires the consent of the City pursuant to the terms of the Agreement shall require the approval of the City Council; (iv) approve or deny the waiver of performance of any covenant, duty, agreement, term or condition of the Agreement; (v) exercise any rights and remedies available to the City under the Agreement; and (vi) execute any notices, amendments, approvals, consents, denials and waivers authorized by this Section 3.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 4th day of December, 2017.

_____
Stan Pickett
Mayor

ATTEST: APPROVED:

_____   _____
Sonja Land   B. J. Smith
City Secretary   City Attorney

EXHIBIT "A"

**Development Agreement between the City of Mesquite, Texas,
CADG Kaufman 146, LLC and Kaufman County Fresh Water Supply District No. 5**

(to be attached)