

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO 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; AND PROVIDING A REPEALER CLAUSE AND SPECIFICALLY REPEALING RESOLUTION NO. 72-2017.

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 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 and estoppels 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) consent to the assignment of the Agreement under the terms and pursuant to Section 16.1(b) and/or Section 16.3(b) of the Agreement; (iv) approve or deny any matter in the Agreement that requires the consent of the City provided, however, notwithstanding the foregoing, any provision of the Agreement that requires the consent of the City Council pursuant to the terms of the Agreement shall require the approval of the City Council; (v) approve or deny the waiver of performance of any covenant, duty, agreement, term or condition of the Agreement; (vi) exercise any rights and remedies available to the City under the Agreement; and (vii) execute any notices, amendments, approvals, consents, denials and waivers authorized by this Section 3.

SECTION 4. That Resolution No. 72-2017 is hereby repealed in its entirety as of the date of this resolution. If any other resolutions or portions thereof of the City contain provisions in conflict with this resolution, the portions in conflict are hereby repealed and the portions not in conflict herewith shall remain in full force and effect.


DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 2nd day of April, 2018.

Stan Pickett
Mayor

ATTEST:

APPROVED:

Sonja Land
City Secretary



B. J. Smith
City Attorney

EXHIBIT “A”

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

(to be attached)