

City of Mesquite, Texas

Legislation Text

File #: 20-4870, **Version:** 1

Authorize the City Manager to finalize and execute a Settlement Agreement with Spradley Farms, L.C., as managing partner for Spradley Farms, LTD, consistent with the terms of the Rule 11 and Settlement Agreement approved by the City Council of Mesquite, Texas, on June 8, 2020, and to take such actions and execute such documents as are necessary or advisable to consummate the transactions contemplated by the agreement, and authorize the City Manager to administer the agreement on behalf of the City, regarding Spradley Farms, L.C., et al. vs. City of Mesquite, et al., Cause No. 104439-CC2, in County Court at Law No. 2, Kaufman County, Texas.

(This item was postponed at the June 15, 2020, City Council meeting.)

One of the conditions of the Rule 11 Agreement that Council approved at the June 8, 2020, City Council meeting is the execution of a Settlement Agreement by both parties, which incorporates the mutually agreed upon terms of the Rule 11 Agreement.

These terms include the City's approval of an amended and restated Master Development Agreement, an amended TIRZ project and financing plan, a resolution that will support the creation of the Spradley Farms Municipal Management District (MMD), and other related settlement documents such as support letters to the Texas Commission on Environmental Quality and Kaufman County.

The Rule 11 Agreement is not valid and enforceable unless the Settlement Agreement is approved by the City Council. Should the City Council fail to pass the Settlement Agreement, Amended Master Development Agreement and/or MMD resolution and any related documents as set forth in the Rule 11 Agreement, then the Rule 11 Agreement becomes void and the parties will return to litigation.

Recommended/Desired Action

Staff recommends approval of the Settlement Agreement.

Attachment(s)

Rule 11 Agreement (will be provided prior to Monday's Council meeting)

Settlement Agreement (will be provided prior to Monday's Council meeting)

Drafter

Ted Chinn

Head of Department

David Paschall