

RESOLUTION NO. 2025-023



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, APPROVING AN AMENDED AND RESTATED LANDSCAPE MAINTENANCE AGREEMENT WITH THE MERCER CROSSING NORTH MASTER PROPERTY OWNERS ASSOCIATION, INC.; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch (the “City”) entered into that certain Landscape Maintenance Agreement with American Realty Trust, Inc., Art One Hickory Corporation, Art Palm Limited Partnership, Art Two Hickory Corporation, Art Walker Cummings, Inc., Downtown Development, Inc., ART GNB, Inc., Income Opportunity Realty Investors, Inc., and Transcontinental Realty Investors, Inc., effective October 16, 2006, relating to the perpetual and exclusive license the City granted to the existing owners to use, construct and maintain improvements on medians owned by the City for the benefit of the owners (the “Original Landscape Maintenance Agreement”); and

WHEREAS, the City acknowledges that the original owners listed in the Original Landscape Maintenance Agreement lawfully assigned their vested interest(s) to subsequent owners, and such owners are now collectively identified as Mercer Crossing North Master Property Owners Association, Inc.; and

WHEREAS, City Administration, having determined that it is in the best interest of the City to assume and maintain 15 medians located on City-owned right of way, as identified and prescribed in **Attachment “A”** (the “Amended and Restated Landscape Maintenance Agreement”); and

WHEREAS, upon full review and consideration of the proposed Amended and Restated Landscape Maintenance Agreement and all matters related thereto, the City Council is of the opinion and finds that the terms and conditions thereof should be approved and that the City Manager, or designee, should be authorized to enter and approve the Amended and Restated Landscape Maintenance Agreement on behalf of the City of Farmers Branch, Texas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The City Manager is hereby authorized to approve and execute the Amended and Restated Landscape Maintenance Agreement by and between the City of Farmers Branch and Mercer Crossing North Master Property Owners Association, Inc., a true and correct copy of which is attached hereto as **Attachment “A,”** to assume and maintain 15 medians located on City-owned right of way, and is further authorized to accept and approve such contract amendments as the City Manager deems reasonable, necessary, in the public interest, in compliance with applicable law and City policy.

SECTION 2. This Resolution shall become effective immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS
BRANCH, TEXAS, THIS 1ST DAY OF APRIL 2025.**

ATTEST:

APPROVED:

Stacy Henderson, City Secretary

Terry Lynne, Mayor

APPROVED AS TO FORM:

Whitt Wyatt, City Attorney
[vf 03.18.2025]