



RESOLUTION NO. 2016-089

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, AUTHORIZING A PUBLIC IMPROVEMENT DEFERRAL AGREEMENT WITH THE CITY OF LEWISVILLE RELATING TO THE FUTURE EXTENSION OF HUFFINES BOULEVARD ADJACENT TO THE CAMELOT LANDFILL; GRANTING AUTHORITY TO NEGOTIATE AND EXECUTE CERTAIN FUTURE AMENDMENTS; AND PROVIDING AN EFFECTIVE

WHEREAS, in association with the expansion of the Camelot Landfill (“the Landfill”) and in compliance with prior agreements, the City of Farmers Branch (“City”) has submitted an application to the City of Lewisville (“Lewisville”) to establish a Special Use District (“SUD”) in accordance with Lewisville’s land use development regulations that will govern the use and development of the Landfill and other adjacent property to be incorporated into the Landfill; and

WHEREAS, as a condition for granting the SUD, Lewisville is requiring the City provide the funds for construction of an extension to Huffines Boulevard (“the Huffines Extension”) to be constructed at an unknown future date by Lewisville in lieu of constructing the Huffines Extension in association with the Landfill expansion; and

WHEREAS, in lieu of placing the funds in escrow with Lewisville as would be required of non-governmental developers under Lewisville’s ordinances, City Administration has negotiated an agreement with the Lewisville city administration to allow the City to retain the funds for the Huffines Extension in the City’s accounts until such time as Lewisville desires to construct the Huffines Extension; and

WHEREAS, having received and reviewed the proposed agreement, the City Council of the City of Farmers Branch finds it to be in the public interest to authorize the execution of the negotiated agreement:

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

SECTION 1. The City Manager is hereby (a) authorized to negotiate and execute a Public Improvement Deferral Agreement providing for the set aside of funds for the construction of Huffines Boulevard to be paid to the City of Lewisville at a later date when Lewisville is prepared to construct said street and (b) to take such further action as necessary to comply with the terms and conditions of said agreement. The City Manager is further authorized to negotiate and execute amendments to said agreement without further action of the City Council as long as such amendments (a) do not increase the total amount of funds to be escrowed to more than \$700,000, excluding accrued interest associated with the investment of said funds, and (b) do not extend the City’s obligation to hold said funds without Lewisville having constructed the Huffines Extension for a period longer than fifteen (15) years from the effective date of the agreement.

SECTION 2. This resolution shall become effective immediately upon its approval.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS
BRANCH, TEXAS, THIS 20TH DAY OF SEPTEMBER, 2016.**

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Bob Phelps, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:9/14/16:79131)