



RESOLUTION NO. 2017-052

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, AUTHORIZING AN AGREEMENT FOR DEVELOPMENT ASSUMPTION OF TXDOT AFA PROJECT WITH CADG MERCER CROSSING HOLDINGS, LLC REGARDING FOR U-TURN LANES ON THE IH 635 EAST SERVICE ROAD NEAR LUNA ROAD; AND PROVIDING AN EFFECTIVE

WHEREAS, CADG Mercer Crossing Holding, LLC (“Developer”) is the owner of a substantial portion if not all the land located within Planned Development District No. 99 (“PD 99”); and

WHEREAS, Developer intends to develop Developer’s property with a substantial number of single family, multi-family, and retail lots and has advised the City that access to Developer’s property from Interstate 635 (“IH635”) would be enhanced by the construction of U-Turn lanes along the east and west bound service roads of IH635 east of Luna Road (“the Project”); and

WHEREAS, construction of improvements within the IH635 right-of-way requires the consent of the State of Texas, acting through the Texas Department of Transportation (“TxDOT”), and entry of an agreement with TxDOT by a local governmental entity willing to fund the cost of the design and construction of such improvements and construct such improvement; and

WHEREAS, Developer desires the City to enter, and the City is willing to enter, into that certain *Advance Funding Agreement for a Local Government Contribution to a Transportation Improvement Project On-System*, with the Texas Department of Transportation (“TxDOT”) authorizing construction of the Project (“the TxDOT AFA”) if Developer agrees to assume and perform all of City’s obligations under the provisions of the TxDOT AFA, including paying for all costs relating to the design, bidding, and construction of the Project; and

WHEREAS, the City Council of the City of Farmers Branch finds it to be in the public interest to authorize the negotiation and signing of an agreement with Developer to provide for the agreements in the foregoing recital:

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 negotiate and sign on behalf of the City an agreement with Developer providing for, among other terms, Developer’s agreement to assume all of the City’s obligations under the TxDOT AFA solely at Developer’s cost and provisions securing Developer’s performance of such agreement by execution of a performance bond, establishment of a construction escrow deposit, and/or other means deemed reasonable and appropriate by the City Manager.

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 11TH DAY OF JULY, 2017.**

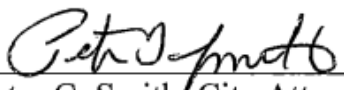
ATTEST:

APPROVED:

Amy Piukana, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:



Peter G. Smith, City Attorney
(kbl:7/2/17:84793)