

RESOLUTION NO. 36-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING RESOLUTION NO. 20-2018 APPROVING A DEVELOPMENT AGREEMENT WITH CADG KAUFMAN 146, LLC AND KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 5 (HEARTLAND TOWN CENTER) BY CORRECTING TYPOGRAPHICAL ERRORS IN SECTION 3(iii) OF THE RESOLUTION FROM “SECTION 16.1(b)” TO “SECTION 17.1(b)” AND FROM “SECTION 16.3(b)” TO “SECTION 17.3(b).”

WHEREAS, on April 2, 2018, the City Council of the City of Mesquite adopted Resolution No. 20-2018 approving a Development Agreement dated effective April 2, 2018, between the City of Mesquite, Texas (“City”), CADG Kaufman 146, LLC and Kaufman County Fresh Water Supply District No. 5 regarding the development of 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” (the “Agreement”); and

WHEREAS, among other things, Resolution No. 20-2018 authorized the City Manager to execute the Agreement and all other documents necessary to consummate the transactions contemplated by the Agreement; and

WHEREAS, Resolution No. 20-2018 further authorized the City Manager to administer the Agreement on behalf of the City including, without limitation, Section 3(iii) of Resolution 20-2018 authorized the City Manager to consent to the assignment of the Agreement pursuant to Section 16.1(b) and/or Section 16.3(b) of the Agreement; and

WHEREAS, the provisions of the Agreement authorizing the City Manager to consent to the assignment of the Agreement are Section 17.1(b) and Section 17.3(b) and accordingly the correct section references in Section 3(iii) of Resolution 20-2018 should have been Section 17.1(b) instead of Section 16.1(b) and Section 17.3(b) instead of Section 16.3(b); and

WHEREAS, the City Council desires to amend Resolution 20-2018 by correcting the typographical errors in Section 3(iii) of the resolution from “Section 16.1(b)” to “Section 17.1(b)” and from “Section 16.3(b)” to “Section 17.3(b).”

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the statements, facts, findings and recitals set forth above are hereby found and declared to be true and correct and are incorporated into this Resolution and adopted as part of this Resolution for all purposes.

SECTION 2. That Section 3(iii) of Resolution No. 20-2018 is hereby amended to read as follows:

- (iii) consent to the assignment of the Agreement under the terms and pursuant to Section 17.1(b) and/or Section 17.3(b) of the Agreement;

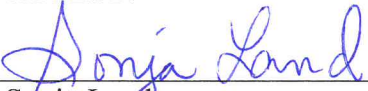
SECTION 3. That this Resolution shall take effect immediately upon passage of this Resolution.

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



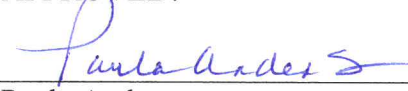
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



Paula Anderson
Interim City Attorney