

RESOLUTION NO. R2022-61

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS TERMINATING A UTILITY OVERSIZING PARTICIPATION AGREEMENT BURNET PARTNERS LLC., FOR CREEKFALL SUBDIVISION PHASES ONE AND TWO PLAT APPLICANT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A TERMINATION AGREEMENT ON BEHALF OF THE CITY

Whereas; on June 14, 2022, pursuant to Resolution No. 2022-56 the City entered into a Developer Participation Agreement with Burnet Venture Partners LLC, for the oversizing of certain infrastructure planned to support Creekfall Subdivision Phases One and Two (hereinafter the "Development"); and

Whereas; Burnet Venture Partners LLC, conveyed the Development to Jade Development LLC, warranty deed with vendor's lien recorded as instrument no. 202306688 in the Public Records of Burnet County,; and

Whereas; Burnet Venture Partners LLC, did not assign its rights and obligation under the Developer Participation Agreement at the time of conveyance of the Development; and

Whereas; it is now impossible for Burnet Venture Partners LLC, to perform its obligations under the Developer Participation Agreement:

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

Section one. Findings. The recitals to this Resolution are declared to be the legislative findings are incorporated herein for all purposes.

Section two. Approval. The Termination of Development Participation Agreement attached hereto is hereby approved.

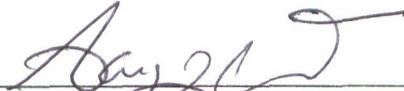
Section three. Authorization. The City Manager is hereby authorized and directed to execute an agreement, in substantial form as the attachment, and execute such ancillary documents and take such other actions reasonably necessary to facilitate the purpose of this resolution.

Section four. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

Section five. Effective date. This resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 8th day of August 2023.

CITY OF BURNET, TEXAS



Gary Wideman, Mayor

ATTEST:



Kelly Dix, City Secretary



Oversizing agreement termination

Mr. Paul Grohman
Burnet Partners LLC
508 Winged Foot Drive
Lufkin, Texas 77581

Re: Termination of Developer Participation Agreement by and between Burnet Venturer Partnership, LLC., and the City of Burnet (oversizing agreement)

Dear Mr. Grohman:

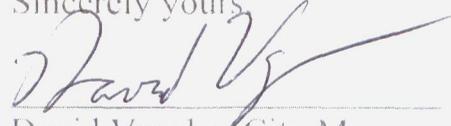
It has come to our attention that the land that is the subject of the above referenced oversizing agreement was conveyed to Jade Development, LLC., by warranty deed with vendor's lien recorded as instrument no. 202306688 in the Public Records of Burnet County, Texas.

As this conveyance makes it impossible for your company to perform under the oversizing agreement it is our opinion that the agreement should be terminated by mutual consent of the parties.

If you concur, please sign at the designated place below. Thereafter, the oversizing agreement shall be terminated and neither the city nor Burnet Venturer Partnership, LLC., shall have any further obligations to the other with respect to the agreement.

The manager of Jade Development is copied on this correspondence and both he and you are welcomed to make comments, or ask questions, as may be appropriate. Thanking you in advance for your kind consideration to this matter I remain,

Sincerely yours,


David Vaughn, City Manager

Approval: On behalf of Burnet Venturer Partnership, LLC., I approve the termination of the above referenced oversizing agreement.


Paul Grohman, Manager

Date: 8/1/2023

Cc: Henry T. Lewis
JADE DEVELOPMENT, LLC.
450 FM 1431 East
MULE FALLS, TEXAS 79664