

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT OF THE AMENDED AND RESTATED NON-ANNEXATION DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF PFLUGERVILLE AND EAST BLACKLAND SOLAR PROJECT 1 LLC (“TO EXTEND PROJECT CONSTRUCTION AND COMPLETION DEADLINES”)

WHEREAS, East Blackland Solar Project 1 LLC a Delaware limited liability company (“Landowner”), has acquired the property and First Amendment of the Amended and Restated Non-Annexation Development Agreement (Agreement) runs with the land, and Landowner seeks to amend specific terms; and

WHEREAS, the City of Pflugerville (City) and Sarvi, LLC, Yajat, LLC, Sarvi Yajat Partnership, and RRE Austin Solar, LLC (collectively, the previous Landowner) entered into a First Amendment of the Amended and Restated Non-Annexation Development Agreement (Agreement) as authorized and in accordance with Texas Local Government Code § 212.172, effective as of February 22, 2019 and as authorized by Resolution 1672-18-12-18-0512 approved on December 18, 2018; and

WHEREAS, the City of Pflugerville (City) and Sarvi, LLC, Yajat, LLC, Sarvi Yajat Partnership, and RRE Austin Solar, LLC (collectively, the Landowner) entered into an Amended and Restated Non-Annexation Development Agreement (Agreement) as authorized and in accordance with Texas Local Government Code § 212.172, effective as of November 21, 2017 and as authorized by Resolution 1587-17-09-26-0458 approved on September 26, 2017; and

WHEREAS, the Landowner continues to desire to develop the Landowner’s property for the sole purpose of operating a solar electricity generation facility capable of producing at least an estimated one hundred-twenty (120) Megawatts AC or more of capacity upon full build out (Project) in accordance with the terms of the original Agreement, recorded as Document No. 2017192538 in the Official Public Records of Travis County, Texas on December 6, 2017; and

WHEREAS, the City received a subsequent request from the Landowner to extend the term and associated benchmark dates for construction and completion of the Project associated with the Agreement; and

WHEREAS, the City and the Landowner find it necessary and beneficial to amend the original Agreement to extend the Project construction commencement and final completion dates.

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

1. The above recitals are found to be true and correct and are hereby adopted verbatim as if recited herein.
2. The City Manager is hereby authorized to execute the Second Amendment to the Agreement in substantially the form attached hereto as **Exhibit A** on behalf of the City and to execute any other documents deemed necessary by the City Attorney to effectuate the intent of the same.

PASSED AND APPROVED this 10th day of November, 2020.

CITY OF PFLUGERVILLE, TEXAS

Victor Gonzales, Mayor

ATTEST:

Karen Thompson
City Secretary

APPROVED AS TO FORM:

CHARLES E. ZECH, City Attorney
Denton, Navarro, Rocha, Bernal & Zech, P.C.

EXHIBIT A