

Resolution No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, DECLARING THE DEVELOPMENT AGREEMENT WITH LASERWASH OF GEORGETOWN PARTNERSHIP AUTHORIZED BY RESOLUTION NO. 899-06-08-22-9E TO BE RESCINDED; AUTHORIZING THE CITY MANAGER TO EXECUTE AN INSTRUMENT OF RESCISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 29, 2006, the City entered into a Development Agreement with Laserwash of Georgetown Partnership; and

WHEREAS, the owner of the property that is the subject of the Development Agreement has requested it to be rescinded due to certain provisions of the Agreement hampering the construction of ingress and egress to the Development; and

WHEREAS, due to changes in circumstances City Council deems the Development Agreement to be unnecessary.

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

**I
DEVELOPMENT AGREEMENT TO BE RESCINDED**

The Development Agreement between the City of Pflugerville and Laserwash of Georgetown Partnership, dated August 29, 2006, and approved by RES 899-06-08-22-9E, is hereby rescinded. The City Manager is hereby authorized to execute, and record in the real property records of Travis County, the instrument attached hereto as Exhibit "A."

**II
SEVERABILITY**

That it is hereby declared to be the intention of the City Council of the City of Pflugerville that the phrases, clauses, sentences, paragraphs, and sections of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolutions, since the same would have been enacted by the City Council without incorporation in this Resolution of any such unconstitutional phrases, clause, sentence, paragraph or section.

**III
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Resolution was

adopted 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, Chapter 551 of the Texas Government Code.

**IV
EFFECTIVE DATE**

This Resolution shall be effective upon passage.

PASSED AND ADOPTED by the City Council of the City of Pflugerville this 24th day of July, 2012.

APPROVED this 24th day of July, 2012.

Jeff Coleman, Mayor

APPROVED AS TO FORM:

George Hyde, City Attorney

Attest:

Karen Thompson, City Secretary

EXHIBIT "A"

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

RESCISSION OF DEVELOPMENT AGREEMENT

WHEREAS, on August 29, 2006, the **City of Pflugerville**, a Texas home-rule municipality, (hereinafter referred to as “CITY”), and **LASERWASH OF GEORGETOWN PARTNERSHIP**, in Travis County, Texas (the “Developer”) entered into a DEVELOPMENT AGREEMENT dated August 29, 2006, regarding the development of real property that is the subject of that agreement; and

WHEREAS, Developer has requested that the Development Agreement be rescinded; and

WHEREAS, the City Council of the City of Pflugerville, as evidenced by the passage of Resolution No. _____, on _____, 2012, has agreed to the rescission and has authorized the city manager to execute this instrument: **NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

Section one. That certain Development Agreement between the parties, dated August 29, 2006, and filed of record on September 7, 2006, as document no. 2006173906 in the Official Public Records of Travis County, Texas, is hereby in all matters Rescinded, Revoked and shall be Void and shall have no legal effect for any as of the date of this instrument.

Section two. Future development of the Property that is the subject of the Development Agreement may go forward without further compliance with the Development Agreement.

Section three. The rescission of the Development Agreement shall in no way diminish the authority of any Ordinance, Resolution, Rule or Regulation of the City.

Signature page to follow:

Executed this ____ day of _____ 2012.

By: DEVELOPER: LASERWASH
OF GEORGETOWN PARTNERSHIP

By: CITY OF PFLUGERVILLE

By: _____
Dan Badwey, General Partner

By: _____
Brandon Wade, City Manager

By: _____
Omar Hadi, General Partner

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the ____ day of _____, 2012,
by Dan Badwey, in his capacity as general partner of Laserwash of Georgetown Partnership.

Notary Public, State of Texas

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the ____ day of _____, 2012,
by Omar Hadi, in his capacity as general partner of Laserwash of Georgetown Partnership.

Notary Public, State of Texas

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the ____ day of _____, 2012,
by Brandon Wade, city manager of the City of Pflugerville, Texas.

Notary Public, State of Texas

After recordation please return to: Brandon Wade, City Manager
City of Pflugerville
P.O. Box 589
Pflugerville, Texas 78691-0589