

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING A REQUEST FOR THE VOLUNTARY EXPANSION OF THE CITY'S EXTRATERRITORIAL JURISDICTION AND THE ACCEPTANCE OF NON-ANNEXATION DEVELOPMENT AGREEMENT, AS AMENDED AND RESTATED, BY AND BETWEEN THE CITY OF PFLUGERVILLE AND SARVI, LLC, A TEXAS LIMITED LIABILITY COMPANY, YAJAT, LLC, A TEXAS LIMITED LIABILITY COMPANY, SARVI YAJAT PARTNERSHIP, A TEXAS GENERAL PARTNERSHIP (INCORRECTLY REFERRED TO AS SARVI YAJAT PARTNERSHIP, LLC IN THE AGREEMENT DATED JUNE 9, 2017) AND RRE AUSTIN SOLAR, LLC, ITS SUCCESSORS AND ASSIGNS, AFFECTING REAL PROPERTY IN THE CITY'S EXISTING AND EXPANDED EXTRATERRITORIAL JURISDICTION.

WHEREAS, the City of Pflugerville received a request from Sarvi, LLC, Yajat, LLC, Sarvi Yajat Partnership and RRE Austin Solar LLC (Landowners) to expand the City's extraterritorial jurisdiction (ETJ) and a proposal to enter into a non-annexation development agreement (Agreement) under terms deemed appropriate and in accordance with Texas Local Government Code §§ 42.022(b) and 212.172 and approved Resolution 1549-17-03-14-0386; and

WHEREAS, the City of Pflugerville received a subsequent request from Sarvi, LLC, Yajat, LLC, Sarvi Yajat Partnership and RRE Austin Solar LLC (Landowners) to amend the Agreement to extend the duration of the Agreement under terms deemed appropriate and in accordance with Texas Local Government Code §§ 42.022(b) and 212.172; and

WHEREAS, in the interest of ensuring the orderly development of property located within the City's ETJ to provide for the protection of the public health, safety and welfare, the City has determined that such ETJ expansion under the terms of the proposed Agreement, as amended hereby, affecting the Owner's property, attached hereto and incorporated herein for all purposes as Exhibit A, effectuates such intent and purpose; and

WHEREAS, among other terms and purposes, said Agreement guarantees the non-annexation of the Owner's property in exchange for and in acceptance of the City's regulations governing the development of the property as indicated therein; and

WHEREAS, it is in the City's best interest to accept Owner's request to expand the City's ETJ and enter into the Agreement, as amended and restated, as provided at Exhibit A.

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

1. The above recitals are hereby adopted verbatim as if recited herein.
2. The City hereby accepts such request to expand its ETJ in accordance with Texas Local Government Code § 42.022(b) and such proposal to enter into the Agreement, as amended and restated, attached hereto as Exhibit A with Owner in accordance with Texas Local Government Code § 212.172.

3. The City Manager is authorized to execute on the City's behalf any and all documents approved by the City Attorney to effectuate the City's acceptance of said request and proposed Agreement and this Resolution.

PASSED AND APPROVED this 26th day of September, 2017.

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, PC