

**TOWN OF WESTLAKE**

**RESOLUTION NO. 24-84**

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS, APPROVING A DEVELOPMENT AGREEMENT FOR SUBDIVISION IMPROVEMENTS BETWEEN THE TOWN OF WESTLAKE, TEXAS AND FENWAY DEVELOPMENT INC. FOR THE SOLANA HILLS RESIDENTIAL DEVELOPMENT (PD10 ZONING DISTRICT), AND AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO EXECUTE THE AGREEMENT.**

**WHEREAS**, the concept/development plan for the PD10 Zoning District was approved by the Town Council by Ordinance 982 on October 9, 2023; and,

**WHEREAS**, the Town of Westlake, Texas (the “Town”) is a duly created and validly existing Type A General Law Municipality, created under the laws of the State of Texas, including particularly, but not by way of limitation, Chapter 51, Texas Local Government Code, as amended (the “Code”); and

**WHEREAS**, the Town and Fenway Development, Inc. (the Developer) desire to enter into an agreement through a Development Agreement, which sets out certain responsibilities for the Town and the Developer as it relates to the development in Westlake; and,

**WHEREAS**, the Developer as the owner of land located within the Town, intends to develop the approximately 32.88 acres of land fronting Sam School Road (the “Property”), and the development and construction on the Property is expected to significantly enhance the tax base of the Town; and

**WHEREAS**, the Town and the Developer desire to enter into a partnership to continue this planned growth through a Development Agreement for Subdivision Improvements, which sets out responsibilities for the Town and the Developer as it relates to the development in Westlake; and,

**WHEREAS**, the Town Council finds that the passage of this Resolution is in the best interest of the citizens of Westlake.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS:**

**SECTION 1:** That, all matters stated in the Recitals hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

**SECTION 2:** That, the Town Council of the Town of Westlake, Texas, hereby approves the Development Agreement for Subdivision Improvements attached hereto as **EXHIBIT “A”**, with the Developer; and further authorizes the Town Manager to execute said agreements and pursue any necessary procedures on behalf of the Town of Westlake.

**SECTION 3:** If any portion of this Resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determines that it would have adopted this Resolution without the invalid provision.

**SECTION 4:** That this resolution shall become effective from and after its date of passage.

**PASSED AND APPROVED ON THIS 9<sup>TH</sup> DAY OF DECEMBER 2024.**

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Kim Greaves, Mayor

ATTEST:

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Dianna Buchanan, Town Secretary

APPROVED AS TO FORM:

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L. Stanton Lowry, Town Attorney

**EXHIBITS**

**EXHIBIT “A” — DEVELOPMENT AGREEMENT FOR SUBDIVISION IMPROVEMENTS**

**EXHIBIT “B” — SUBJECT PROPERTY**

**EXHIBIT “C” — SAM SCHOOL ROAD**