



**Economic Development Corporation  
(Type A) Agenda**

**Monday, November 14, 2022  
3:00 PM**

**City Hall - 141 W. Renfro  
Burleson, TX 76028**

1. **Call to Order**
2. **Citizen Appearances**
3. **General**
  - A. Consider approval of the minutes from the October 3, 2022 Economic Development Corporation (Type A) meeting. *(Staff Contact: Amanda Campos, City Secretary)*
  - B. Consider approval of a resolution authorizing the enforcement of a contract dated July 18, 2022 with James Crouch and Katherine Hawles to acquire a 30.76 acre tract of land in Johnson County, Texas, commonly known as 2140 SW Hulen St, authorizing the Board President to direct and oversee the filing of a lawsuit, and authorizing the expenditure of funds. *(Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)*
4. **RECESS INTO EXECUTIVE SESSION**

Pursuant to Section 551.071, Texas Government Code, the Board reserves the right to convene in Executive Session(s) from time to time, as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

**A. Pending or Contemplated Litigation or to Seek the Advice of the City Attorney  
Pursuant to Section 551.071**
5. **Adjourn**

**CERTIFICATE**

I hereby certify that the above agenda was posted on this the **9th of November 2022, by 5:00 p.m.**, on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.

Amanda Campos  
City Secretary



**ACCESSIBILITY STATEMENT**

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**Economic Development Corporation (Type A)**

**DEPARTMENT:** City Secretary's Office  
**FROM:** Amanda Campos, City Secretary  
**MEETING:** November 14, 2022

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**SUBJECT:**

Consider approval of the minutes from the October 3, 2022 Economic Development Corporation (Type A) meeting. (*Staff Contact: Amanda Campos, City Secretary*)

**SUMMARY:**

The Burleson 4A Economic Development Corporation Board duly and legally met on October 3, 2022.

**OPTIONS:**

- 1) Board may approve the minutes as presented or approve with amendments.

**RECOMMENDATION:**

Approve.

**PRIOR ACTION/INPUT (Council, Boards, Citizens):**

N/A.

**FISCAL IMPACT:**

N/A.

**STAFF CONTACT:**

Name: Amanda Campos, TRMC  
Title: City Secretary  
Email: [acampos@burlesontx.com](mailto:acampos@burlesontx.com)  
Phone: 817-426-9665

**BURLESON 4A ECONOMIC DEVELOPMENT CORPORATION**  
**October 3, 2022, 2022**  
**DRAFT MINUTES**

**COUNCIL PRESENT:**

Tamara Payne  
Dan McClendon (President)  
Ronnie Johnson

**COUNCIL ABSENT:**

Rick Green  
Jimmy Stanford

**Staff present:**

Bryan Langley, City Manager  
Amanda Campos, City Secretary  
Monica Solko, Deputy City Secretary  
Matt Ribitzki, Deputy City Attorney

**1. CALL TO ORDER – Time: 3:17 P.M.**

**2. CITIZEN APPEARANCE**

- No speakers.

**3. GENERAL**

**A. Minutes from the August 15, 2022 Economic Development Corporation (Type A) meeting. (Staff Contact: Amanda Campos, City Secretary)**

Amanda Campos, City Secretary, presented board minutes for consideration to the board.

Motion by Ronnie Johnson and seconded by Tamara Payne to approve.

Motion passed 3-0, with Rick Green and Jimmy Stanford absent.

**B. Resolution 4A100322Annex, requesting the voluntary annexation of approximately 106 acres of land lying contiguous to Burleson city limits. (Staff Presenter: Tony McIlwain, Development Services Director)**

Tony McIlwain, Development Services Director, presented a voluntary annexation for consideration to the board.

Motion by Ronnie Johnson and seconded by Tamara Payne to approve.

Motion passed 3-0, with Rick Green and Jimmy Stanford absent.

- C. Resolution 4A100322ROW, approving the acquisition of real property along and around County Road 914 for right of way and other purposes in the name of the City of Burleson and authorizing the expenditure of funds. (Staff Presenter: Alex Philips, Economic Development Director)**

Alex Philips, Economic Development Director, presented a resolution for consideration to the board.

Motion by Ronnie Johnson and seconded by Tamara Payne to approve.

Motion passed 3-0, with Rick Green and Jimmy Stanford absent.

- D. Resolution 4A100322MOU, authorizing the reimbursement of R.A. Development, Ltd., for roadway construction costs and for the limited authorization for grading, stormwater infrastructure, and roadway construction for R.A. Development, Ltd., pursuant to an existing Chapter 380 and Economic Development and Performance Agreement in an amount not to exceed \$17,980,956.61, including contingency. (Staff Presenter: Eric Oscarson, Public Works Director)**

Eric Oscarson, Public Works Director, presented a resolution for consideration to the board.

Motion by Ronnie Johnson and seconded by Tamara Payne to approve.

Motion passed 3-0, with Rick Green and Jimmy Stanford absent.

- E. Professional services contract 4A100322MMA, with MMA, Inc. to provide a design and construction documents for a regional detention pond for Hooper Business Park in the amount of \$105,000. (Staff Presenter: Alex Philips, Economic Development Director)**

Alex Philips, Economic Development Director, presented a professional services contract for consideration to the board.

Motion by Ronnie Johnson and seconded by Tamara Payne to approve.

Motion passed 3-0, with Rick Green and Jimmy Stanford absent.

- F. Resolution 4A100322Reimbursement, that includes an amount not to exceed \$30,000,000 for capital projects related to Chisholm Summit roadway infrastructure and industrial business park capital improvements. (Staff Presenter: Martin Avila, Finance Director)**

Martin Avila, Finance Director, presented an intention to reimburse resolution for consideration to the board.

Motion by Ronnie Johnson and seconded by Tamara Payne to approve.

Motion passed 3-0, with Rick Green and Jimmy Stanford absent.

**G. Agreement 4A100322BurlesonWorks, amendment to the Burleson Works with the Burleson Opportunity Fund. (Staff Presenter: Alex Philips, Economic Development Director)**

Alex Philips, Economic Development Director, presented an amendment to the Burleson Works agreement for consideration to the board.

Motion by Ronnie Johnson and seconded by Tamara Payne to approve the changes.

Motion passed 3-0, with Rick Green and Jimmy Stanford absent.

**H. Contract 4A100322BurlesonChamber, one-year contract with the Burleson Area Chamber of Commerce in an amount not to exceed \$20,000. (Staff Presenter: Alex Philips, Economic Development Director)**

Alex Philips, Economic Development Director, presented a services contract for consideration to the board.

Motion by Ronnie Johnson and seconded by Tamara Payne to approve.

Motion passed 3-0, with Rick Green and Jimmy Stanford absent.

**4. BOARD REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS**

- None.

**5. RECESS INTO EXECUTIVE SESSION**

Pursuant to Section 551.071, Texas Government Code, the 4A Board reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

- A. Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071**
- B. Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072**
- C. Deliberation regarding a negotiated contract for a prospective gift or donation to the state or the governmental body Pursuant to Section 551.073**
- D. Personnel Matters Pursuant to Section 551.074**

- E. Deliberation regarding (1) the deployment, or specific occasions for implementation of security personnel or devices; or (2) a security audit Pursuant to Sec. 551.076**
- F. Deliberation Regarding Commercial or Financial Information Received from or the Offer of a Financial or Other Incentive made to a Business Prospect Seeking to Locate, Stay or Expand in or Near the Territory of the City and with which the City is conducting Economic Development Negotiations Pursuant to Section 551.087**
- G. Pursuant to Sec 418.183(f), deliberation of information related to managing emergencies and disasters including those caused by terroristic acts (must be tape recorded)**

No executive session needed.

## **6. ADJOURN**

There being no further discussion Dan McClendon adjourned the meeting.

**Time: 3:48 p.m.**

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Monica Solko  
Deputy City Secretary

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## Economic Development Corporation (Type A)

**DEPARTMENT:** Legal

**FROM:** Matt Ribitzki, Deputy City Attorney/Compliance Manager

**MEETING:** November 14, 2022

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**SUBJECT:**

Consider approval of a resolution authorizing the enforcement of a contract dated July 18, 2022 with James Crouch and Katherine Hawles to acquire a 30.76 acre tract of land in Johnson County, Texas, commonly known as 2140 SW Hulen St, authorizing the Board President to direct and oversee the filing of a lawsuit, and authorizing the expenditure of funds. *(Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager)*

**SUMMARY:**

On or about July 18, 2022, the Type A Corporation entered into a contract to purchase approximately 30.76 acres from James Crouch and Katherine Hawles. The Type A Corporation has fully performed under the Contract. The Sellers have not closed the real estate transaction and are in default under the Contract. The Type A Corporation resolution authorizes the Board President to direct and oversee the filing of a lawsuit by legal counsel to enforce the Contract, preserve the Type A Corporation's rights under the Contract, and make necessary expenditures.

**OPTIONS:**

- 1) Approve the resolution.
- 2) Deny the resolution.

**RECOMMENDATION:**

Staff recommends Option (1) approve the resolution.

**PRIOR ACTION/INPUT (Council, Boards, Citizens):**

N/A

**FISCAL IMPACT:**

N/A

**STAFF CONTACT:**

Matt Ribitzki  
Deputy City Attorney/Compliance Manager  
[mribitzki@burlesontx.com](mailto:mribitzki@burlesontx.com)  
817-426-9664





# Resolution Authorizing of Enforcement of Contract to Purchase 2140 SW Hulen St

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Presented to the Type A Corporation on  
November 14, 2022

# Contract for 2140 SW Hulen St

- Type A Corporation entered into a contract with James Crouch and Katherine Hawles to purchase 30.76 acres
- Type A Corporation fully performed under the contract
- The sellers have not closed the real estate transaction in accordance with the contract
- The resolution authorizes the filing of a lawsuit to enforce the contract



# Contract for 2140 SW Hulen St

- Action Requested:

*Approve or deny a resolution authorizing the enforcement of a contract dated July 18, 2022, with James Crouch and Katherine Hawles to acquire a 30.76 acre tract of land in Johnson County, Texas, commonly known as 2140 SW Hulen St, authorizing the Board President to direct and oversee the filing of a lawsuit, and authorizing the expenditure of funds.*

- Staff recommends approval



## RESOLUTION 4A111422CrouchContract

**A RESOLUTION OF THE BURLESON 4A ECONMIC DEVELOPMENT CORPORATION AUTHORIZING THE ENFORCEMENT OF A CONTRACT DATED JULY 18, 2022, BETWEEN THE TYPE A CORPORATION, AS BUYER, AND JAMES CROUCH AND KATHERINE HALWES, AS SELLERS, TO ACQUIRE FEE SIMPLE TITLE TO A 30.76 ACRE TRACT OF LAND SITUATED IN JOHNSON COUNTY, TEXAS, COMMONLY KNOWN AS 2140 SW HULEN STREET, BURLESON, TEXAS (THE “PROPERTY”) AS DESCRIBED IN THE REAL ESTATE CONTRACT ATTACHED IN EXHIBIT “A” (THE “CONTRACT”); AUTHORIZING THE BOARD PRESIDENT TO DIRECT AND OVERSEE THE FILING OF A LAWSUIT; AUTHORIZING THE EXPENDITURE OF FUNDS; REQUEST FOR BURLESON CITY COUNCIL RATIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Burleson 4A Economic Development Corporation, known as the “Type A Corporation”, incorporated and certified in October 2000 under the authorization of the Development Corporation Act of 1979; and

**WHEREAS**, the City of Burleson, Texas (“City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the Type A Corporation and Sellers entered into the Real Estate Contract dated July 18, 2022, and attached hereto as Exhibit “A” and incorporated herein by reference for all purposes (the “Contract”); and

**WHEREAS**, the Type A Corporation has fully performed under the Contract, the Sellers are in default under the Contract and have not closed the real estate transaction described in the Contract; and

**WHEREAS**, the Type A Corporation desires to preserve its rights under the Contract and require the closing of the real estate transaction described in the Contract; and

**WHEREAS**, the Type A Corporation desires the Board President, Dan McClendon, take action necessary to close the real estate transaction described in the Contract, including authorizing the filing of a lawsuit on behalf of the Type A Corporation in the appropriate court; and

**WHEREAS**, the Type A Corporation still desires to purchase the Property pursuant to the Contract; and

**WHEREAS**, the Type A Corporation desires the City approve this action;

**NOW, THEREFORE, BE IT RESOLVED BY THE BURLESON 4A ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS, THAT:**

### Section 1.

The Board President, Dan McClendon, is authorized: (a) to direct and oversee the filing of a lawsuit by legal counsel to enforce the Contract and the closing of the real estate transaction described in the Contract, and to further preserve the Type A Corporation's rights under the Contract; and (b) to make expenditures in accordance the filing of a lawsuit by legal counsel, including attorney's fees, filing fees, service fees, expert fees, and the like.

### Section 2.

The foregoing recitals are adopted and incorporated herein for all purposes.

### Section 3.

The Type A Corporation hereby requests that the City Council of the City of Burleson ratify this resolution and actions of the Type A Corporation. Accordingly, this resolution shall take effect immediately after such ratification.

**PASSED, APPROVED, AND SO RESOLVED** by the Board of Directors of the Burleson 4A Economic Development Corporation on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Dan McClendon, Board President  
Burleson 4A Economic Development Corporation

ATTEST:

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Amanda Campos, Secretary