

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS AMENDING ORDINANCE NOS. 2019-69 AND 2020-84 AND APPROVING A “SECOND AMENDMENT TO DEVELOPMENT AGREEMENT FOR PARKSIDE ON THE RIVER SUBDIVISION,” REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on October 8, 2019, by City Council Ordinance No. 2019-69, the City Council approved the “Development Agreement for Parkside on the River Subdivision” by and between the City, HM Parkside, LP, a Texas limited partnership (“*Primary Owner*”) and HM CR 176-2243, LP, a Texas limited partnership affiliated with Primary Owner (“*Affiliated LP*”), dated to be effective on November 19, 2020, and recorded under Document No. 2019117441, Official Public Records of Williamson County, Texas (the “*Original Development Agreement*”) pertaining to land referred to in the Original Development Agreement as the Remainder Tract and the 2243 Acre Tract; and

WHEREAS, on December 8, 2020, by City Council Ordinance No. 2020-84, the City Council approved the “First Amendment to and Partial Assignment of Development Agreement for Parkside on the River” dated effective December 8, 2020 and recorded under Document No. 2020162167, Official Public Records of Williamson County, Texas, (the “*First Amendment*”) by and between the City, Primary Owner, Affiliated LP, and HM Parkside Development, Inc., a Texas corporation affiliated with Primary Owner (“*HM Development*”) amending the Original Development Agreement to address changed circumstances relating to School Tract and the Fire Station Tract, and recognize the assignment by Primary Owner to HM Development of rights and obligations under the Original Development Agreement associated with approximately 254.399 acres of land out of the Remainder Tract .

WHEREAS, HM GPII, LP, a Texas limited partnership affiliated with Primary Owner (“*HM GPII*”), acquired a 314-acre tract and a 47.417 acre tract of land adjacent to the Remainder Tract on the west side of Parkside Parkway (the “*GPII Property*”).

WHEREAS, Primary Owner, Affiliated LP, HM Development, and HM GP II desire to amend the Original Development Agreement, as amended by the First Amendment, to include HM-GPII as a party and add the GPII Property into the Project, and to amend other provisions of the Original Development Agreement, as amended by the First Amendment.

WHEREAS, the City Council of the City of Georgetown finds that it has the authority approve the Second Amendment to Development Agreement for Parkside on the River pursuant to Section 212.172 of the Texas Local Government Code; and

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, THAT:

Section 1. The meeting at which this ordinance was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 2. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim. The City Council hereby finds that this ordinance complies with the Vision Statement of the City of Georgetown 2030 Comprehensive Plan.

Section 3. The Second Amendment to Development Agreement for Parkside on the River in substantially the form attached to this Ordinance as **Attachment 1** is approved by the City Council and incorporated into this Ordinance for all purposes by this reference.

Section 4. If any provision of this Ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 5. The Mayor is hereby authorized to execute this Ordinance and the Second Amendment to Development Agreement for Parkside on the River attached as **Attachment 1** and the City Secretary to attest. The Second Amendment to Development Agreement for Parkside on the River and this Ordinance shall become effective in accordance with the provisions of the Charter of the City of Georgetown.

Attachments:

Attachment 1 – Second Amendment to Development Agreement for Parkside on the River, including Exhibits:

PASSED AND APPROVED ON FIRST READING ON THE 11TH DAY OF MAY, 2021.

**PASSED AND APPROVED ON SECOND READING ON THE ____ DAY OF
_____ 2021.**

ATTEST:

THE CITY OF GEORGETOWN:

Robyn Densmore, City Secretary

Josh Schroeder, Mayor

APPROVED AS TO FORM:

Skye Masson, City Attorney