ORDINANCE NUMBER 1014

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AUTHORIZING AMENDMENT AND TERMINATION OF THE DEVELOPMENT AGREEMENT WITH THE CITY OF BURKBURNETT, TEXAS; LIPSCOMB CHEVROLET, AND TAX INCREMENT FINANCING DISTRICT, REINVESTMENT ZONE, CITY OF BURKBURNETT, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 20, 2017, City, Lipscomb Chevrolet, and the Tax Increment Financing District, Reinvestment Zone, City of Burkburnett, Texas, entered into a Development Agreement (the “Agreement”) for the construction of a potable water main, sanitary sewer lift station, sanitary sewer mains, and road access utilities to serve a tract of land to be developed as an Auto Dealership (the “Public Improvements”);

WHEREAS, as the date of this Amendment, Lipscomb Chevrolet has not commenced construction of the Public Improvements and does not have any immediate plans to do so;

WHEREAS, Lipscomb Chevrolet has not incurred any cost associated with the Public Improvements for which it is seeking reimbursement and supports the termination of the Agreement;

WHEREAS, the Agreement requires that any amendment to the Agreement be through an ordinance passed and approved by the Board of Commissioners; and

WHEREAS, the Board of Commissioners desires to terminate the Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS THAT:

Part I.  Enacted

THAT the Burkburnett Board of Commissioners approves the amendment and termination of the Development Agreement with the City of Burkburnett, Texas; Lipscomb Chevrolet, and Tax Increment Financing District, Reinvestment Zone, City of Burkburnett, Texas, which is attached hereto as Exhibit A.

Part II. Repealer

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective, which are inconsistent or are in conflict with the terms and provisions contained in this Ordinance, are hereby repealed only to the extent of any such conflict.

Part III: Severability

It is hereby declared to be the intention of the Board of Commissioners that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall 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 this Ordinance, and the remainder of this Ordinance shall be enforced as written.

**Part IV: Compliance with Texas Open Meetings Act**

It is hereby officially found and determined that the meeting at which this Ordinance was passed 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.

**Part V: Effective Date**

This Ordinance shall take effect immediately upon its adoption.

**PASSED AND APPROVED ON THIS 15TH DAY OF FEBRUARY 2022.**

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Carl Law, Mayor

**ATTEST:**

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Margie Poole, City Clerk