

ORDINANCE NO. _____

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH BV LANDCO LV REGARDING PROPERTY BEING DESCRIBED AS APPROXIMATELY 12.898 ACRES OUT OF THE JOSEPH LAWRENCE SURVEY, ABSTRACT NO. 616, DESCRIBED AS TRACT 3 IN DEED TO SUNBELT LAND INVESTMENTS/360 LTD RECORDED IN VOLUME 2746, PAGE 1136, DEED RECORDS OF ELLIS COUNTY, TEXAS; APPROVING A CONCEPT PLAN AND PHASING PLAN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield, Texas, 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; and,

WHEREAS, M.R. Development Corporation, a Texas Corporation, and Carleton Development, LTD, a Texas Limited Partnership, ("Developer") owns a certain 12.899-acre tract of real property (the "Property") more fully described in Exhibit A attached hereto and incorporated herein; and,

WHEREAS, Developer intends to develop the Property as mixed-use, with a complementary mixture of retail, residential, civic space, and other uses; and,

WHEREAS, the City Council considered and approved Developer's request to rezone the Property on the 24th day of April, 2023, to the S, South Mansfield Form-Based Development District ("District") as found and enumerated in the City's Zoning Ordinance; and,

WHEREAS, the City and Developer are desirous of creating a development agreement in accordance with the regulations for the District; and,

WHEREAS, the City Council of the City of Mansfield, Texas, does hereby deem it advisable and in the public interest to approve the development agreement, as described herein.

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

SECTION 1.

That the development agreement, concept plan, and phasing plan, attached hereto as Exhibit A, are approved.

SECTION 2.

That the use and development of the Property hereinabove described shall be subject to all the applicable regulations contained in Chapter 155 "Zoning" of the Code of Ordinances, City of

Mansfield, the development agreement, the concept plan, and phasing plan attached hereto as Exhibit A, and all other applicable and pertinent ordinances of the City of Mansfield, Texas.

SECTION 3.

That all ordinances of the City of Mansfield in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City of Mansfield not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4.

That all rights or remedies of the City of Mansfield, Texas, are expressly saved as to any and all violations of the Code of Ordinances, City of Mansfield, Texas, as amended, that have accrued at the time of the effective date of this ordinance and as to such accrued violations and all pending litigation, both civil and criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

That it is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

This ordinance shall take effect immediately from and after its passage upon reading and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 24TH DAY OF APRIL, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Bradley Anderle, City Attorney