

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT IN THE LAWSUIT STYLED LRF1 DALLAS LOGISTICS 1 LLC AND 1533 CRESCENT LLC V. CITY OF CARROLLTON AND BRETT KING, BUILDING OFFICIAL OF THE CITY PROVIDING TERMS FOR CONSIDERATION BY THE CITY COUNCIL OF TWO SPECIAL USE PERMITS (SUP); PROVIDING FOR WAIVER OF ALL SUP APPLICATION FEES; PROVIDING FOR A WAIVER OF OTHER FEES IN AN AMOUNT NOT EXCEED ONE HUNDRED TEN THOUSAND DOLLARS (\$110, 000); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, LRF1 Dallas Logistics 1 LLC (“Longpoint”) and 1533 Crescent LLC (“Crescent”) (collectively “Plaintiffs”) filed a lawsuit styled *LRF1 Dallas Logistics 1 LLC and 1533 Crescent LLC v. City of Carrollton and Brett King, Building Official of the City*, Cause No. DC-19-09123 against the City of Carrollton, Texas and Brett King, in his official capacity as the Building Official of the City (collectively “City”) seeking, among other things, a declaration from the Court that Ord. 3891 was unenforceable, alleging that the City failed to comply with certain notice requirements and in the alternative, seeking a declaration that even if Ord. 3891 was enforceable, it did not apply to Longpoint;

WHEREAS, the City, subject to City Council approval, Longpoint and Crescent have agreed to settle the lawsuit wherein the terms of the agreement provide the City will waive all application fees in connection with a SUP application for the Longpoint Project and Crescent Tract. The City will waive all other fees for applications, inspections and permits of the Longpoint Project and Crescent Tract, as applicable, up to a combined total of \$110,000 for both Plaintiffs (not each Plaintiff separately);

WHEREAS, the terms of the settlement agreement further provide for the approval of two special use permits, subject to the legislative discretion of the Council, and for setting aside the judgment of the trial court, and dismissing all claims; and

WHEREAS, the City Council of the City of Carrollton believes that it is in the best interest of the citizens of the City to authorize the City Manager to settle this lawsuit.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

SECTION 1

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2

The City Manager is authorized to enter into a settlement agreement relating to the lawsuit styled *LRF1 Dallas Logistics 1 LLC and 1533 Crescent LLC v. City of Carrollton and Brett King, Building Official of the City*, Cause No. DC-19-09123 (“Settlement Agreement”) and take all further action necessary to carry out the intent of this Resolution.

SECTION 3

The Settlement Agreement will provide for the waiver of all fees related to the SUP application for both Plaintiffs in the above-mentioned case. Further, the Settlement Agreement provides for waiver of development related fees up to \$110,000 cumulatively for the Plaintiffs. In addition, the Settlement Agreement is conditional upon the approval of SUPs for each Plaintiff.

SECTION 4

This Resolution shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 12th Day of May, 2020.

CITY OF CARROLLTON, TEXAS

Kevin W. Falconer, Mayor

ATTEST:

Laurie Wilson, City Secretary

Approved as to form:

Meredith Ladd, City Attorney