

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL NECESSARY DOCUMENTS FOR THE PURCHASE OF THE TRACT 1 - 1301 S IH-35E (0.584 ACRES), TRACT 2 - 1411 S. IH-35E (1.048 ACRES) & 1428 ELM ST. (0.109 ACRES), TRACT 3 - 1211 S. IH-35E (0.468 ACRES) AND TRACT 4 - 1212 S. BROADWAY ST. (0.157 ACRES), CITY OF CARROLLTON, DALLAS COUNTY, TEXAS, IN AN AMOUNT NOT TO EXCEED \$3,500,000; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Carrollton, Texas (“City Council”), has authority to purchase and sell real property to promote economic development in the City of Carrollton, Texas (“City”); and

**WHEREAS**, the City Council directed staff to work with Berkshire Hathaway Automotive, LLC, (“Company”) to acquire certain real properties located at 1301 S. IH-35E (Tract 1 - 0.584 acres), 1411 S. IH-35E (Tract 2 - 1.048 acres), 1428 Elm St. (Tract 2 - 0.109 acres), 1211 S. IH-35E (Tract 3 - 0.468 acres), and 1212 S. Broadway St. (Tract 4- 0.157 acres) within the City of Carrollton, Dallas County, Texas, (collectively referred to as “BHA Site”), and as further described in Exhibit “A”); and

**WHEREAS**, the Company owns the BHA Site in upon which is situated one or more aging structures located within the City’s Downtown Carrollton Transit Center (“DTC”); and

**WHEREAS**, due to improvements made to the IH-35E Highway, the BHA Site is no longer visible to commercial traffic and not sustainable for Company’s purposes; and

**WHEREAS**, the BHA Site will enhance the DTC, which has undergone extensive commercial revitalization and regrowth resulting in the stimulation of commercial activity in the area; and

**WHEREAS**, the Company and the City have negotiated and agreed upon \$3,500,000 for the BHA Site, including all structures; and

**WHEREAS**, the Company will transfer Tract 4 (0.157ac) of the BHA Site to the City upon closing; and

**WHEREAS**, the City agrees to leaseback to Company the remaining portions of the BHA Site (Tract 1 , Tract 2, and Tract 3) for a period not to exceed twenty-four (24) months at a lease rate of \$18,000 per month, which shall be paid on a monthly basis; provided, however, Company may terminate the lease without penalty at the end of any month at any time during such twenty-four (24) month term; and

**WHEREAS**, upon the end of the twenty-four (24) month term, the City agrees to extend the lease at Company’s request on Tract 1, Tract 2, and Tract 3 for an additional twelve (12) month period, at a lease rate of \$22,000 per month, which shall be paid on a monthly basis; provided, however, Company may terminate the lease without penalty at the end of any month at any time

during such twelve (12) month term; and

**WHEREAS**, upon full review and consideration of the terms of the sale, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager shall be authorized to execute all necessary documents to purchase the BHA Site;

**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 hereby authorized to execute all documents necessary to purchase the BHA Site in connection therewith on behalf of the City, substantially according to the terms and conditions set forth in this Resolution.

**Section 3**

This Resolution shall take effect upon passage.

PASSED AND APPROVED ON MAY 26, 2020

CITY OF CARROLLTON, TEXAS

\_\_\_\_\_  
Kevin W. Falconer, Mayor

ATTEST:

\_\_\_\_\_  
Laurie Wilson, City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Meredith A. Ladd  
City Attorney

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Ravi Shah  
Director of Development Services

**EXHIBIT 'A'**

Van Hyundai - Location Map

