

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, REVISING A LEASE AGREEMENT BY AND BETWEEN THE CITY AND CTC CARROLLTON, LLC D/B/A COW TIPPING CREAMERY, FOR THE USE OF CITY OWNED REAL PROPERTY AT 1309 SOUTH BROADWAY STREET; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A REVISED LEASE AGREEMENT WITH CTC RED FIVE, LLC D/B/A COW TIPPING CREAMERY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Carrollton, Texas (“City Council”), approved the terms of a lease agreement by and between the City of Carrollton, Texas (“City”) and CTC Carrollton, LLC d/b/a Cow Tipping Creamery (“Company”) on September 20, 2016 by Resolution No. 3965; and

**WHEREAS**, the Company’s proposed LLC name was disapproved by the Texas Secretary of State shortly after the approval of the lease terms; and,

**WHEREAS**, the Company subsequently submitted CTC Red Five, LLC to the Texas Secretary of State, which was approved; and,

**WHEREAS**, the City Council still desires that the Company operate a free-standing Cow Tipping Creamery food truck at 1309 South Broadway, City of Carrollton, Dallas County (“Property”); and

**WHEREAS**, the City Council and Company agree that all lease terms approved on September 20, 2016 shall remain unchanged but the lease agreement shall be revised to be by and between the City and CTC Red Five, LLC d/b/a Cow Tipping Creamery; and

**WHEREAS**, upon full review and consideration of the terms of the lease, 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 an agreement with Company on behalf of the City of Carrollton;

**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 negotiate and execute a lease agreement and all other documents in connection therewith on behalf of the City of Carrollton, 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 OCTOBER 18, 2016.

CITY OF CARROLLTON, TEXAS

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Matthew Marchant, Mayor

ATTEST:

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Laurie Garber, City Secretary

APPROVED AS TO FORM:

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Meredith A. Ladd  
City Attorney

APPROVED AS TO CONTENT:

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Krystle Nelinson  
Development Program Manager

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Ravi Shah  
Director of Development Services