



City of Rowlett
Official Copy

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

Resolution: RES-002-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT PROGRAM AGREEMENT FOR PROPERTY LOCATED AT 3901 MAIN STREET AND 3913 MAIN STREET AND AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has adopted a vision for the redevelopment and economic revitalization of its central downtown area (the "District") and has established and implemented a broad program to achieve this goal, which includes a revision of its comprehensive plan, the adoption of form-based codes to encourage development in accordance with New Urbanism principles, the opening of a light rail station by Dallas Area Rapid Transit (DART), the use of state grant funding for infrastructure and public amenity improvements, and the legislative creation of a municipal management district; and

WHEREAS, the City Council of the City of Rowlett, Texas has previously approved an Economic Development Program Agreement with the YOCO, LLC (Mala Family) for property located at 3901 Main Street and 3913 Main Street, and

WHEREAS, upon full review and consideration of the Agreement, and all matters related thereto, the City Council is of the opinion and finds that the terms and conditions thereof should be approved, and that the Mayor should be authorized to execute said amendment to the Economic Development Program Agreement on behalf of the City of Rowlett, Texas.

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

SECTION 1: That the amendment to the Economic Development Program Agreement attached hereto as Exhibit A, having been reviewed by the City Council of the City of Rowlett, Texas is hereby approved.

SECTION 2: That the Mayor be and is hereby authorized to execute the necessary documents conforming to this resolution.

SECTION 3: This resolution shall become effective immediately upon its passage.

At a meeting of the City Council on January 7, 2020 this Resolution be adopted. The motion carried by the following vote:

Ayes: 7 Mayor Dana-Bashian, Mayor Pro Tem Brown, Deputy Mayor Pro Tem Grubisich, Councilmember Margolis, Councilmember Sherrill, Councilmember Laning and Councilmember Bell

Approved by Tommy Davis-Baskin Date January 7, 2020
Mayor

Approved to form by [Signature] Date January 7, 2020
City Attorney

Certified by Laura Hellmark Date January 7, 2020
City Secretary



STATE OF TEXAS §
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COUNTY OF DALLAS §

**AMENDMENT TO ECONOMIC
DEVELOPMENT PROGRAM AGREEMENT**

This Amendment to Economic Development Program Agreement (the “Amendment”) is by and between the City of Rowlett, Texas (the “City”) and YOCO, LLC (the “Developer”), each acting through its duly authorized representatives.

WHEREAS, on or about February 16, 2019, the City and Developer entered into an Amended Economic Development Program Agreement (the “Agreement”), by which certain real estate was conveyed to Developer by City, described as real property situated at 3901 Main Street and 3913 Main Street, in the City of Rowlett, Dallas County, Texas and more specifically described in the Agreement (the “Property”); and

WHEREAS, the City committed to provide certain economic development incentives in the Agreement to encourage and promote the development of a retail and restaurant facilities on the Property under specified performance criteria; and

WHEREAS, the parties desire, by this Amendment, to revise the times established by the performance criteria set forth in the Agreement to further the City’s goals of economic development and the Developer’s interests in appropriate development of the land; and

WHEREAS, the attraction of private investment and the diversification of retail and residential product types in the City will promote economic development, stimulate commercial activity, provide additional jobs and residential opportunities for the citizens of the City, generate additional tax revenue, and enhance the tax base and economic vitality of the City; and

WHEREAS, the City has determined that this Amendment will further the objectives of the City and will benefit the City and its inhabitants and will promote local economic development and stimulate employment, business and commercial activity in the City.

NOW THEREFORE, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, the parties agree as follows:

Section 1. The above and foregoing recitals are incorporated within this Amendment as if fully set forth.

Section 2. Section 4.1(a) of the Agreement is amended to read as follows [strike-throughs indicate deletions, underlined text indicates additions]:

“a) Developer shall diligently pursue the development of the Project and shall achieve Completion of Construction of the first restaurant facility located at 3913 Main St. property within fifteen (15) months of the issuance of a building permit, and the remaining uses at 3913 Main St. within two years from the issuance of a building permit, subject to events of Force Majeure. Developer shall apply for all permits and any required site, landscape and façade plans required by applicable laws no later than February 28, 2020, within six (6) months following (i) execution of this Agreement and (ii) final approval of the Project and any required site, landscape and façade plans, a building permit shall be issued to the Developer within sixty (60) days of the foregoing date, and the Developer shall commence construction, renovation and improvement of new and existing structures, facilities and equipment diligently after permit approval.”

Section 3. Section 5.2(a) of the Agreement is amended to read as follows [strike-throughs indicate deletions, underlined text indicates additions]:

“a) The Developer shall develop the Property with the construction of a new building at 3913 Main Street, to be used for restaurant and/or retail concepts in accordance with applicable zoning. The Developer shall apply for ~~and receive~~ a building permit for the Project no later than February 28, 2020, a building permit shall be issued to the Developer within sixty (60) days of the foregoing date, within six (6) months of the Closing Date and a certificate of occupancy within fifteen (15) months of the issuance of said building permit. Notwithstanding, the obligations under this section shall not be deemed to require the City to issue any building or development permit absent compliance with all applicable building and construction codes.”

Section 4. Section 6.1 of the Agreement is amended to read as follows [strike-throughs indicate deletions, underlined text indicates additions]:

“**6.1** The Developer shall develop the Property with the construction of a new building at 3913 Main Street, to be used for restaurant and/or retail concepts in accordance with applicable zoning. The Developer shall apply for ~~and receive~~ a building permit for the Project no later than February 28, 2020, within six (6) months of the Closing Date a building permit shall be issued to the Developer within sixty (60) days of the foregoing date, and a certificate of occupancy within fifteen (15) months of the issuance of said building permit. Notwithstanding, the obligations under this section shall not be deemed to require the City to issue any building or development permit absent compliance with all applicable building and construction codes.”

Section 5. The Agreement is amended only to the extent provided for herein, and all other provisions thereof not amended herein shall remain in force and effect.

Section 6. This amendment may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document.

IN WITNESS WHEREOF, the Parties hereto have executed this amendment effective as of the last date below written.

IN WITNESS WHEREOF, the Parties hereto have executed this amendment effective as of the last date below written.

CITY OF ROWLETT, TEXAS



Tammy Dana-Bashian, Mayor

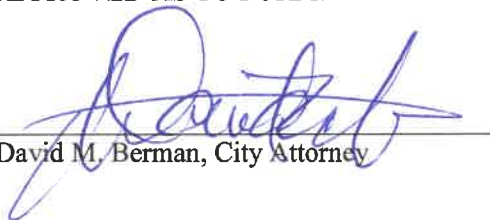
Date: 1/20/20

ATTEST:



Laura Hallmark, City Secretary

APPROVED AS TO FORM:



David M. Berman, City Attorney

YOCO, LLC



Denisio Mala, Member

Date: 1/2/20

ACKNOWLEDGEMENTS

STATE OF TEXAS §

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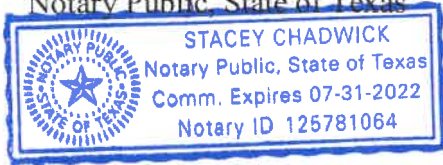
This instrument was acknowledged before me on the 8th day of January, 2020, by Tammy Dana-Bashian, Mayor of the City of Rowlett, Texas, on behalf of and as the act and deed of the City of Rowlett, Texas.

My Commission Expires:

07-31-22

Stacey Chadwick

Notary Public, State of Texas



STATE OF TEXAS §

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COUNTY OF DALLAS §

This instrument was acknowledged before me on the 9th day of January, 2020, by Denisio Mata, the member of YOCO, LLC, on behalf of and as the act and deed of YOCO, LLC.

My Commission Expires:

07-31-22

Stacey Chadwick

Notary Public, State of Texas

