

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPELL, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A REVISED SURFACE USE AGREEMENT BY AND BETWEEN LUMINANT GENERATION COMPANY, LLC., TRAMMELL CROW NO. 43, LTD., COPPELL INDEPENDENT SCHOOL DISTRICT AND THE CITY OF COPPELL COVERING APPROXIMATELY 1,700 ± ACRES OF LAND LOCATED AT NORTHLAKE AS PROVIDED IN SAID AGREEMENT; AUTHORIZING THE CITY MANAGER TO SIGN, WHICH IS ATTACHED HERETO AS EXHIBIT 1, FOLLOWING REVIEW BY THE CITY ATTORNEY; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has previously approved a Surface Use Agreement on _____, 2013 by and between Luminant Generation Company, LLC, Trammell Crow No. 43, Ltd. and Coppell Independent School District (CISD); and

WHEREAS, the terms and conditions, at the request of Luminant and CISD, have been modified; and,

WHEREAS, the City Council find it is in the best interest of the City of Coppell and its citizens to approve said agreement, as modified.

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

SECTION 1. The City Council hereby approves the modified terms and conditions of Surface Use Agreement by and between Luminant Generation Company, LLC, Trammell Crow No. 43, Ltd., Coppell Independent School District and the City of Coppell covering approximately 1,700 ± acres of land generally located at Northlake as provided in said agreement; and, hereby authorizes the City Manager to execute such agreement, as provided in Exhibit 1, which is attached hereto and incorporated herein by reference.

SECTION 2. The City Manager of the City of Coppell, Texas, is hereby authorized to execute said agreement, which is attached hereto as Exhibit 1, subject to release of any and all easements in favor of Oncor Electric Delivery Company LLC following review by the City Attorney.

SECTION 3. Any prior resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

SECTION 4. Should any part of this resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

SECTION 5. This resolution shall take effect immediately from and after its passage, and it is duly resolved.

DULY PASSED and approved by the City Council of the City of Coppell, Texas, on this the ____ day of _____, 2013.

APPROVED:

Karen Selbo Hunt, Mayor

ATTEST:

Christel Pettinos, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney
(REH/mpm)

Exhibit 1