

ORDINANCE 2022-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUERO, TEXAS, AUTHORIZING AND APPROVING THE WAIVER AND RELEASE OF AN OPTION AGREEMENT FROM LUBERSKI PROPERTIES, LLC AS GRANTOR TO THE CITY OF CUERO, AS GRANTEE AS TO REAL PROPERTY, BEING 16.65 ACRE TRACT OF LAND LOCATED IN THE SAMUEL LOCKHART LEAGUE, ABSTRACT 28, IN DEWITT COUNTY , TEXAS AND AUTHORIZING THE MAYOR'S EXECUTION OF SAID WAIVER AND RELEASE AND DECLARING AN EMERGENCY.

WHEREAS, Luberski Properties, LLC, a California limited liability company (the "Owner") and the City entered into that certain Option to Purchase Agreement dated May 12, 2021 recorded with instrument **No. 135837** in the Official Public Records of DeWitt County, Texas (the "Option Agreement"), to which the City was granted an option (the "Option") to purchase a 16.65 acre tract of land located in DeWitt County, Texas, as more particularly described on the attached **Exhibit A** (the "Property");

WHEREAS, Paragraph 1 of the Option Agreement provides that the City shall be able to exercise its option to purchase the Property only if the Owner fails to begin construction of a building for an egg processing plant on the Property within two(2) years of the date of the Option Agreement; and

WHEREAS, Owner has, in fact, begun construction of a building for an egg processing plant on the Property, within such two-year period, with such date of construction being _____, 202____.

WHEREAS, the City acknowledges that the Owner has begun construction of an egg processing plant on the Property and desires to place a Release of record in the form attached hereto as Exhibit "B"

WHEREAS, this City Council does hereby authorize and direct the Mayor of the City of Cuero to execute the Release attached hereto as Exhibit "B".

NOWHEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUERO, TEXAS:

SECTION ONE. That the City Council of the City of Cuero does hereby approve the Release of Option Agreement from Luberski Properties, LLC to the City of Cuero in the form attached hereto as Exhibit "B";

SECTION TWO. That the Mayor of the City of Cuero, be and she is hereby authorized and directed to sign on behalf of the City of Cuero, the Release attached hereto as Exhibit "B".

SECTION THREE. In order for the release to take place in a timely manner it is necessary that this Ordinance be adopted immediately. Such facts constitute an emergency for the preservation of the public health, safety, and business demanding that the Rule which requires ordinances to be read at more than one meeting of the City Council be and the same is hereby suspended and this Ordinances shall take effect immediately upon and after its passage on first reading.

UPON MOTION OF COUNCILMEMBER _____, SECONDED BY COUNCILMEMBER _____, THAT THE ORDINANCE BE PASSED ON EMERGENCY READING THE _____ DAY OF _____, 2022, AYES: _____ NAYES: _____ MOTION CARRIED.

FINALLY ADOPTED AND APPROVED THE _____ DAY OF _____, 2022.

Sara Post Meyer
MAYOR

ATTEST:

JENNIFER ZUFELT
CITY SECRETARY

APPROVED AS TO LEGALITY:

JAMES K. CRAIN, III
CITY ATTORNEY