

Development Agreement topics

1. Construction of public improvements
 - a. Identify total public improvements [description and dollar amount]
 - b. Identify monetary portion City will reimburse [not to exceed \$__]
 - c. Identify DCURD role in drainage design, construction, maintenance
 - d. Developer provide performance guarantee for the total public improvement
 - e. Developer responsible to design and construct improvements per city engineering specifications
 - i. State 401 and federal 404 permits for the 2 drop structures
 - ii. CLOMR for the 3 bridges
 - iii. Bridges designed to convey 100 year design storm without rise in water surface
 - iv.
 - f. Developer contract for the total public improvement
 - g. Developer deposit its share of construction costs prior to City issue CO
 - h. Proceeds of CO sale will be held by City
 - i. Monthly payments of construction costs will be made by City & Developer in proportionate shares.
 - j. Contract administration:
 - i. General contractor and subs subject to City approval
 - ii. Line item pricing subject to city approval
 - iii. Method for obtaining competitive pricingⁱ
 - iv. Performance and payment bondsⁱⁱ in full amount of contract, using City approved forms
 - v. Prevailing wage rateⁱⁱⁱ
 - vi. MWBE commitment
 - vii. Retainage
 - viii.
2. Land transaction with DCURD
 - a. Developer/DCURD: Consult DCURD on what title it needs
 - b. City/DCURD: maintenance
3. Land transaction with City
 - a. Plat
 - b. Trail, linear park title
 - c. Maintenance agreement
 - d.
4. PID Assessment payment guarantee by Hines parent corporation
5. Hines parent guarantee of construction of private improvements
6. Hines payment of City costs creating PID/TIF prior to _____

ⁱ Exempt from competitive bid law, see Local Govt Code 252.022(a)(9): paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;

ⁱⁱ Tex. Gov't Code 2253.021

ⁱⁱⁱ Tex. Gov't Code 2258.021