

Development Agreements

Municipal Perspective

Planning & Zoning Workshop
City Hall Essentials
Lubbock, TX June 6, 2019

Land Planning by Negotiation

- Texas Local Government Code § 212.172
- Comprehensive Planning in the ETJ
- Opportunity for a Win / Win
- Give & Take



Scope of Agreements

- Annexation
- Uses & Development of Land
- Enforcement of Municipal Regulations
- Infrastructure
- Environmental Regulations
- Other Terms & Conditions



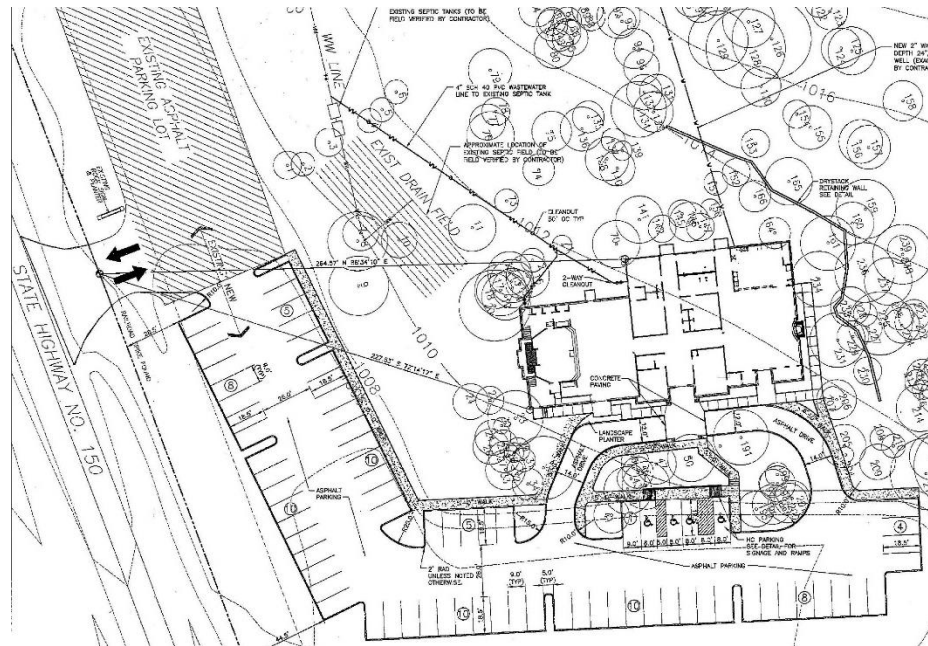
Requirements for Agreements

- Written
- Legal Description of the Land
- Approved by City Council
- Approved by Owner
- Recorded with the County



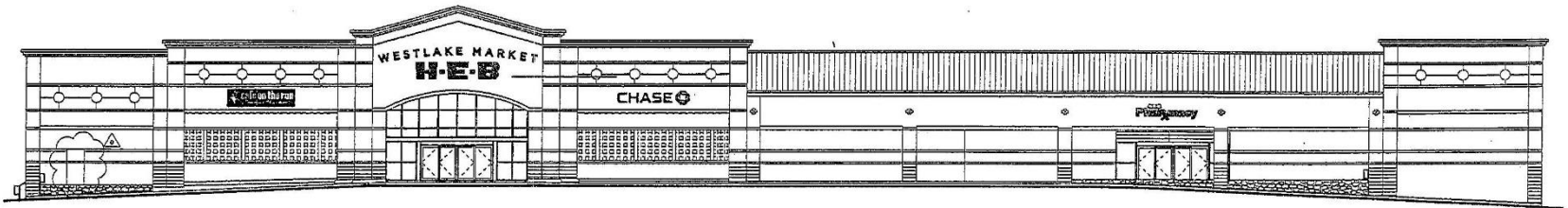
Aspects of Agreements

- Total Duration: 45 years
- Binding on Parties, Successors and Assigns
- Agreement is a “Permit” under LGC 245



Motivation- Developer's

- Predictability
- Variances
- Annexation
- Flexibility
- Utilities
- Economic Development



Motivation- City's

- Increased Regs
- Utilities
- Annexation
- Infrastructure
- Growth
- Economic Development
- Goods / Services



Motivating Mutual Interests

- Avoiding Litigation (settling dispute)
- But For:

*“but for this agreement,
the development would either not occur at
all, or would occur with a different form.”*

- Wilson / Dougherty

Players

- Is Developer the Owner? Buyer? Builder? Operator? Do they have authority to negotiate?
- Is this staff-driven?
- Will there be a committee to shepherd?
- When will the elected get involved?
- Neighbors
- Other agencies, utilities

Alan's Tips

- People: Don't fall in love with pitch man.
- Process: From beginning to end.
- Companions: Are there other contracts?
- Expenses: Who covers City's costs?
- Land Use: Don't promise zoning.
- Notice & Hearings: Have them.
- Checklist: Use one. Sample provided.

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