

Development Agreements

Issues on the Front Lines of Drafting ETJ Development Agreements

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- I. Assignments
- II. Development Standards
- III. Annexations
- IV. Bond Issuance Benchmarks

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Types of Assignments to Consider

- Assignment of the Agreement
 - To Developer affiliates
 - To non-affiliates
- Assignment of receivables due under the Agreement
- Collateral assignments

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City Interests

- Consent to assignments
 - Is consent required prior to assignment?
 - Who must consent?
- Notice of assignments
 - How far in advance will notice be required?
 - What form of notice is required?

Developer Interests

- Subsequent owners and transferability of property
- Lending decisions
- Third party financing availability

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Development Standards in Development Agreements

One of the main areas that TLGC 212.172 et al Development Agreements addressed, and that were at issue, was development standards. In particular, standards that varied one way or another was in the requirement of certain building materials. Masonry requirements, façade requirements.

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