

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY OF MT. JULIET, TENNESSEE, APPROVING THE FIRST
AMENDMENT TO THE DEVELOPMENT AND REIMBURSEMENT AGREEMENT BETWEEN
THE CITY OF MT. JULIET AND COSTCO WHOLESALE CORPORATION.**

WHEREAS, the City of Mt. Juliet, Tennessee (the “City”) previously entered into a Development and Reimbursement Agreement dated June 21, 2023, with Costco Wholesale Corporation (the “Company”) to provide for, among other things, the Company’s obligation to construct, or to cause the construction of, certain roadway improvements between the westernmost access point (i.e., westernmost driveway) of the Facility (as defined in the Agreement) and Volunteer Boulevard on both sides of Rutland Drive (the “Northern Roadway Improvements”) and the City’s obligation to reimburse the Company for all or a portion of the Company’s costs related to such improvements, as more particularly set forth in the Agreement; and

WHEREAS, the City of Mt. Juliet and Costco Wholesale Corporation desire to amend the Agreement to amend (i) the scope of work for the Northern Roadway Improvements as set forth on Exhibit A to the Agreement, (ii) the deadline for the Company to complete the Northern Roadway Improvements, and (iii) the list of adjacent landowners set forth on Exhibit B to the Agreement; and

WHEREAS, this Resolution is associated with Ordinance No. 2023-31, which approved the rezoning and Preliminary Master Development Plan (PMDP) for Project Prosper, and Ordinance No. 2023-44, which approved the budget amendment associated with the agreement.

WHEREAS, the Board of Commissioners finds it to be in the best interest of the City to approve this First Amendment to the Development and Reimbursement Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MT. JULIET BOARD OF COMMISSIONERS AS FOLLOWS:

Section 1. The Board of Commissioners hereby approves the First Amendment to the Development and Reimbursement Agreement between the City of Mt. Juliet and Costco Wholesale Corporation, a copy of which is attached hereto as Exhibit A and incorporated herein by reference.

Section 2. The Mayor is hereby authorized to execute the First Amendment.

BE IT FURTHER RESOLVED

Section 3. In case of conflict between this resolution or any part hereof, and the whole part of any existing resolution of the City, the conflicting resolution is repealed to the extent of the conflict but no further.

Section 4. If any section, clause, or provision or portion of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this resolution.

Section 5. This resolution shall take effect on the earliest date allowed by law.

PASSED:

James Maness, Mayor

Kenny Martin, City Manager

ATTEST:

Sheila S. Luckett, MMC, City Recorder

APPROVED AS TO FORM:

Samantha A. Burnett, City Attorney