

RESOLUTION NO. 19-R-128

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING A DRAINAGE EASEMENT THROUGH DEDICATED PUBLIC PARKLAND FOR THE RHINE VALLEY UNIT 3B DEVELOPMENT.

WHEREAS, the City staff of the City of Schertz (the “City”) has determined that granting a drainage easement in Rhine Valley Park is not detrimental to the existing use of the park; and

WHEREAS, City staff agreed the proposal from the developer to provide a shade structure as public benefit in exchange for the drainage easement ; and

WHEREAS, the Parks & Recreation Advisory Board approved the drainage easement and corresponding public improvements at their September 23, 2019 meeting ; and

WHEREAS, the Planning & Zoning Commission approved the final plat of Rhine Valley Unit 3B with the drainage easement in it at their October 9, 2019 meeting;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes a drainage easement through dedicated public parkland for the Rhine Valley Unit 3B development, subsequent to the owner of Rhine Valley Unit 3B entering into a Subdivision Improvement Agreement obligating them to construct the fence and shade structure.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 22nd day of October, 2019.

CITY OF SCHERTZ, TEXAS

Michael R. Carpenter, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL)

