

RESOLUTION NO. 19-R-105

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BABCOCK ROAD 165, LTD. FOR REIMBURSEMENT FOR A ROADWAY EXTENSION TO RIPPS KREUSLER.

WHEREAS, Babcock Road 165, Ltd., a Texas limited partnership (“Developer”) has contracted to purchase approximately 1.395 acres of real property in the City of Schertz, Texas situated in the John Saladin Survey No. 404, Abstract 299, Guadalupe County, Texas and out of that remaining portion of a 150.231 acre tract of land conveyed unto Edwin Ripps, Jr., et al by warranty deed recorded in Volume 2969, Page 150, Guadalupe County Official Public Records; in all, said 1.395 acre tract being more particularly described as set forth **Exhibit DAD** (the “Property”); and

WHEREAS, Developer intends to develop the Property as a public roadway. The public improvements are more particularly described in specifications related to the construction of the public improvements prepared by Coursen-Koehler Engineering and Associates (hereafter collectively called “the Specifications”) attached hereto as **Exhibit DBD**, and

WHEREAS, in accordance with Article III, Section 52-a of the Texas Constitution, and Section 380.001 of the Texas Local Government Code (“Section 380”), the City may establish and provide for the administration of a program for making loans and grants of public money to promote state or local economic development and to stimulate business and commercial activity in the City; and

WHEREAS, City’s Contribution shall be reimbursed to the Developer from the Roadway Impact Fees collected by the City for Service Area 2 as identified in its Capital Improvement Plan (“SA 2 Impact Fees”). City shall reimburse Developer an amount equal to Thirty (30) percent of all SA 2 Impact Fees collected on an annual basis until the Developer has been reimbursed in full for an amount equal to the City’s Contribution; and

WHEREAS, Developer has agreed, in exchange and as consideration for funding by the City, to satisfy and comply with certain terms and conditions, including the construction of the Public Improvements (as more fully defined in Exhibit B); and

WHEREAS, the City and Developer hereby agree, based on the cost itemization attached as **Exhibit DCD** hereto, that the cost of the Public Improvements, is estimated to be Three Hundred Ninety Five Thousand Eight Hundred and Sixty Seven United States Dollars (\$395,867.00) (the “Estimated Total Improvement Cost”); and

WHEREAS, the City and Developer agree that the provisions of this Agreement substantially advance a legitimate interest of the City by providing public infrastructure, expanding the tax base of the City, increasing employment and promoting economic development.

WHEREAS, the City has entered into an agreement with the City of Cibolo for the improvement of Wiederstein Road.

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

Section 1. The City Council hereby authorizes the City Manager to enter into an agreement with Babcock Road 165, Ltd. not to exceed \$395,867 for reimbursement of roadway improvements for the extension of Ripps Kreuzler in a form generally as attached hereto as Exhibit D.

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)