

**RESOLUTION NO. 20-R-102**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN AMENDED ROADWAY CAPITAL RECOVERY OFFSET AGREEMENT WITH ILF N-T OWNER, LP FOR ROADWAY IMPACT FEE CREDITS FOR THE EXTENSION OF SYSTEM ROADWAYS AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, ILF N-T Owner, LP., a Texas limited partnership (“Developer”) is the developer of the Homestead Development; and

WHEREAS, Developer intends to develop public roadways that are system facilities; and

WHEREAS, in accordance with Ordinance 18-M-13 Roadway Capital Recovery Fees, the City shall offset the reasonable value of system facilities through an offset agreement; and

WHEREAS, the City Council authorized an offset agreement for reimbursement of roadway construction via Resolution 19-R-147; and

WHEREAS, subsequent to entering into the offset agreement for reimbursement of roadway construction, it was determined that portions of property that is part of the Homestead Development were not included in the list of phases eligible to utilize offset credits; and

WHEREAS City Council has determined that Homestead Units 5A and 5B should be allowed to utilize offset credits.

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 a roadway offset agreement with ILF N-T Owner, LP. 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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 8<sup>th</sup> day of September 2020.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

(CITY SEAL)

