

RESOLUTION NO. 20-R-116

**A RESOLUTION OF THE CITY COUNCIL OF SCHERTZ, TEXAS
AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE
DEVELOPMENT AGREEMENT EXTENSIONS IN RELATION TO
DEVELOPMENT AGREEMENTS ENTERED INTO JULY OF 2010**

WHEREAS, Texas Local Government Code Section 43.016 requires that before unilateral annexation of a property which is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E of that chapter that a municipality must offer a development agreement to said property owner pursuant to Texas Local Government Code Section 212.172 that guarantees the continuation of the extraterritorial status of the area for a certain time and authorizes the enforcement of all regulations and planning authority of the municipality that do not interfere with the use of the area for agriculture, wildlife management, or timber; and

WHEREAS, in 2010 the City of Schertz offered Development Agreements to property owners for a period of 10 years at which time the agreement was set to expire the first group expiring in July of 2020; and

WHEREAS, due to the nationwide and statewide declaration of public health emergency related to COVID-19, which impacted the city's ability to reach out well in advance to discuss the expiration of the delayed annexation agreements and the resulting annexation of the properties under said agreements with the property owner; and

WHEREAS, City staff has recommend to the City Council that Development Agreement Extensions be offered to the property owners with existing Development Agreements in order to delay the annexation of their properties for a term not to exceed January 1, 2024 with the City concluding all annexation proceedings commenced under these Development Agreement Extensions before December 31, 2024; and

WHEREAS, City staff has communicated with and received signed Development Agreement Extensions from all property owners within the July Expiration group; listed as Exhibit A and shown on Exhibit B and

WHEREAS, the City desires to allow the City Manager to sign and execute Development Agreement Extensions with all property owners with original Development Agreements expiring in July of 2020.

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

Section 1. The City Council hereby authorizes the City Manager to offer to qualifying landowners, and to execute and deliver, a Development Agreement Extension with such landowners identified in Exhibit A and Exhibit B in substantially the form set forth on Exhibit C, to be completed with the name of the property owner (s), the legal description of the property, the

county in which the property is located, the property owner's notice address, and the date of the Development Agreement Extension. Development Agreement which otherwise varies from the attached Form Development Agreement must be approved by the City Council.

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 27th day of October, 2020.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

City Secretary, Brenda Dennis

(CITY SEAL)

EXHIBIT A
(List of Property Owners within the July Expiration Group)

Ord. No.	Current Property Owners	Property Address	Acres	County	Parcel IDs	Effective Date	Termination Date
10-A-20	Bernice Jarzombek	13880 Dusty Flds	8.85	Bexar	339772	July 20, 2010	July 20, 2020
10-A-20	Bernice Jarzombek	13880 Dusty Flds	2.3	Bexar	339773	July 20, 2010	July 20, 2020
10-A-19	Estate of Howard Schaefer and Estate of Alice	No Address Provided on CAD	25.39	Comal	75463	July 6, 2010	July 6, 2020
10-A-19	Estate of Milton W Schaefer and Estate of Melinda Birdsong	6335 FM 482	74.99	Comal	79012	July 6, 2010	July 6, 2020
10-A-19	Estate of Milton W Schaefer and Estate of Melinda Birdsong	No Address Provided on CAD	5.01	Comal	75462	July 6, 2010	July 6, 2020
10-A-20	Evelyn Zuercher	13597 lh 10 E	35.32	Bexar	339362	July 20, 2010	July 20, 2020
10-A-19	Friesenhahn RVCBL LFTM TRST ET AL	No Address Provided on CAD	1.13	Comal	78923	July 6, 2010	July 6, 2020
10-A-19	Friesenhahn RVCBL LFTM TRST ET AL	No Address Provided on CAD	0.573	Comal	374148	July 6, 2010	July 6, 2020
10-A-20	Gerald Clayton and Susan F Cutshall	13782 Dusty Flds	20.3	Bexar	339744	July 20, 2010	July 20, 2020
10-A-20	Gerald Clayton and Susan F Cutshall	Dusty Flds	1.69	Bexar	1050203	July 20, 2010	July 20, 2020
10-A-19	Howard and Alice Schaefer	No Address Provided on CAD	0.91	Comal	79018	July 6, 2010	July 6, 2020
10-A-19	Howard and Alice Schaefer	6185 FM 482	30.98	Comal	79017	July 6, 2010	July 6, 2020
10-A-19	Howard and Alice Schaefer	No Address Provided on CAD	24.66	Comal	75468	July 6, 2010	July 6, 2020
10-A-20	Jerome G and Debra J Kiolbassa	13825 Dusty Flds	3.01	Bexar	340030	July 20, 2010	July 20, 2020
10-A-20	Joe J and Jeanette Vrana	13915 Dusty Flds	10.811	Bexar	339348	July 20, 2010	July 20, 2020
10-A-20	Julian Cano	13597 lh 10 E	32.7	Bexar	339359	July 20, 2010	July 20, 2020
10-A-19	Martin and Jana Friesenhahn	No Address Provided on CAD	8.74	Comal	374146	July 6, 2010	July 6, 2020

10-A-19	Martin and Jana Friesenhahn	No Address Provided on CAD	1.65	Comal	374145	July 6, 2010	July 6, 2020
10-A-19	Martin and Jana Friesenhahn	22900 Old Nacogdoches Road	2.47	Comal	374144	July 6, 2010	July 6, 2020
10-A-19	Martin and Jana Friesenhahn	No Address Provided on CAD	1.04	Comal	374147	July 6, 2010	July 6, 2020
10-A-20	Raul Martinez	7723 Trainer Hale Road	14.75	Bexar	339341	July 20, 2010	July 20, 2020
10-A-20	Riedel Acquisition LC	14210 Ih10 E	85.03	Bexar	339353	July 20, 2010	July 20, 2020
10-A-20	Rockie and Lashanda Carter	7783 Trainer Hale Road	19.92	Bexar	339771	July 20, 2010	July 20, 2020