

RESOLUTION NO. 21-R-24

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, AUTHORIZING AN AGREEMENT WITH THE DEVELOPER OF THE PARKLANDS II SUBDIVISION PROJECT FOR CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS

WHEREAS, the Proposed Parklands II Subdivision is situated adjacent to a future residential collector street identified on the current Master Thoroughfare Plan of the City of Schertz (the "City"); and

WHEREAS, the City's Unified Development Code (UDC) requires dedication of right of way and improvement of thoroughfare roadways; and

WHEREAS, the segment of the collector roadway adjacent to Units 1, 2, and 3 of the subdivision will not serve any transportation purpose until improvement of the segment adjacent to Unit 4 of the Subdivision, or a connecting segment within or adjacent to another property; and

WHEREAS, it is not in the City's best interest to accept and maintain a street with no vehicular traffic; and

WHEREAS, The UDC of the City of Schertz provides for developers to enter into agreements to defer the construction of required improvements until a time after the associated plat is filed.

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 execute the agreement with Scrappy Development, LLC, relating to deferral of construction of certain public improvements, generally in the form attached, subject to changes approved by the City Manager and City Attorney.

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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 23rd day of March, 2021

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL)