

RESOLUTION NO. 21-R-92

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN ESCROW AGREEMENT REGARDING SEWER FACILITIES WITH THE QUIK TRIP CORPORATION, AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, in order to file the plat for the QT 4032 Addition, the property owner is required to construct certain public improvements as required by the City of Schertz Unified Development Code; and

WHEREAS, one of those improvement is to extend a sewer line along the frontage of Schwab Road, and

WHEREAS, that sewer line will not provide service for other properties until such time as the City extends it under IH 35; and

WHEREAS, there is not currently funding or a timeline for the future extension under IH 35; and

WHEREAS, the City staff of the City of Schertz (the "City") has recommended that the City enter into an Escrow Agreement regarding Sewer Facilities associated with the Quik Trip Development on Lot 1, Block 2 of the QT 4032 Addition; and

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into an Escrow agreement generally in the form as attached per Exhibit "A".

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 an escrow agreement with the owner of Lot 1, Block 2 of the QT 4032 Addition, generally as per the attached Exhibit "A".

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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 24th day of August, 2021.

CITY OF SCHERTZ, TEXAS

Mayor, Ralph Gutierrez

ATTEST:

City Secretary, Brenda Dennis

(CITY SEAL)

EXHIBIT A
AGREEMENT REGARDING CYPRESS POINT SEWER FACILITIES

EXHIBIT B

**AGREEMENT FOR THE CONSTRUCTION OF WATER TRANSMISSION
MAIN IMPROVEMENTS**